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Petitioner In Pro Se

FILED

OCT 02 2017

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

OCT 02 2017

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff/Respondent,

v.

STEVEN FISHMAN,
Defendant/Petitioner/
Claimant.

CASE NO: CR-88-0616-DLJ

PETITION AND DEMAND OF
PETITIONER STEVEN FISHMAN
FOR DECLARATORY JUDGMENT
WITH REGARD TO QUESTIONS
OF LAW, PURSUANT TO 28
U.S.C. §2201, SEEKING
REMEDY AND RELIEF REGARDING
JURISDICTIONAL DEFECTS
IN CASE NUMBER CR-88-0616-DLJ

COMES NOW the Defendant/Petitioner/Claimant, STEVEN
FISHMAN, hereinafter referred to as the "Petitioner," a
Federal Prisoner in Pro Se without the benefit of any Bar
member Attorney, and presents a Petition and Demand of
Petitioner Steven Fishman for Declaratory Judgment With
Regard to Questions of Law, Pursuant to 28 U.S.C. §2201,
Seeking Remedy and Relief Regarding Jurisdictional Defects
in Case Number CR-88-0616-DLJ.

28 U.S.C. §2201, Creation of Remedy, states in pertinent

1 part: "(a) In a case of actual controversy within its
2 jurisdiction, ... any court of the United States, upon the
3 filing of an appropriate pleading, may declare the rights
4 and other legal relations of any interested party seeking
5 declaration, whether or not further relief is or could be
6 sought. Any such declaration shall have the force and effect
7 of a final judgment or decree, and shall be reviewable as
8 such."

9
10 "To create an 'actual controversy,' a plaintiff must
11 allege facts that, 'under all' the circumstances, show that
12 there is a substantial controversy, between parties having
13 adverse legal interests, of sufficient immediacy and reality
14 to warrant the issuance of a declaratory judgment." E. & J.
15 Gallo Winery v. Proximo Spirits, Inc., 583 Fed. Appx. 632,
16 634 (9th Cir. 2014) (citing to Medimmune, Inc. v. Genentech
17 Inc., 549 U.S. 118, 127, 127 S.Ct. 764, 166 L.Ed.2d 604,
18 2007 U.S. LEXIS 1003 (2007)).

19 The Declaratory Judgment/Determination Demanded Herein
20 will serve to:

21 (1) Settle the controversy/question of whether or
22 not it is lawful for Officers, Agents, and Employees of
23 the Federal Government of the United States to enter the
24 several states of the Union outside Federal Enclaves, under
25 force of arms, in order to subject the inhabitants of the
26 several states of the Union who are outside of Federal
27

1 Enclaves, to the application and enforcement of Federal
2 Law and Regulation;

3
4 (2) Clarify the legal relation at issue; and:

5 (3) Serve the public interest in resolving the
6 uncertainty:

7
8 (i) Of whether or not it is lawful for a United
9 States District Court Judge of a United States District
10 Court located within any of the several states of the Union,
11 to take jurisdiction of any Federal Criminal Case and
12 impose a criminal sentence under the criminal laws of the
13 Federal Government of the United States without evidence
14 in the record of the court to prove beyond a reasonable
15 doubt that every location relevant to the Federal Criminal
16 Case is in Federal Enclaves which comprise the Federal
17 Judicial District;

18 (ii) Of whether or not all Judgments, Decrees,
19 Rulings and Opinions rendered by Federal District Court
20 Judges of United States District Courts, specifically and
21 particularly District Courts located within the several
22 states of the Union, outside the Territorial Limits of
23 the District of Columbia, the Federal Territories, the
24 Federal Commonwealths, the Federal Possessions and Federal
25 Enclaves of the United States Federal Government, are
26 Foreign Judgments with regard to the several states of
27 the Union; and when applying such Foreign Judgments within
28

1 the Territorial Borders of any of the several states of
2 the Union against any inhabitant of any one of the several
3 states of the Union outside of any Federal Enclave, thereby
4 rendering such Federal Court Judgments, including "Judgments
5 in a Criminal Case," repugnant to the Constitution, NULL
6 AND VOID, and Legal Nullities.

7
8 (iii) Of whether or not Officers, Agents, and
9 Employees of the Federal Government of the United States,
10 who, while acting in their individual and private capacity(ies),
11 engage in the act of civil misconduct of conspiracy under
12 color or pretense of any Federal Statute, Ordinance,
13 Regulation, Custom, or Usage of any [Federal] State, Territory,
14 Commonwealth, Possession, Enclave, or the District of
15 Columbia; in order to subject or cause to be subjected,
16 any citizen of the United States, or other person within
17 the Jurisdiction or Control of the Federal Government of
18 the United States, to the deprivation of any right(s),
19 privilege(s), or immunity(ies) secured and/or protected
20 by the Constitution and the Laws of the United States;
21 and are therefore liable to the party injured in an action
22 at Law [Tort], suit in equity, or other proper proceeding
23 for redress under the Federal Civil Rights Act of 1871,
24 evidenced by the Act of Congress at 42 U.S.C. §1983, 42
25 U.S.C. §1985, and 42 U.S.C. §1986.

26 (iv) Of whether or not an action for recovery
27 of money damages and other equitable relief under the Federal
28

1 Civil Rights Act of 1871, evidenced by the Act of Congress
2 at 42 U.S.C. §1983, §1985, and §1986, is exempt from any
3 statute of limitations; is exempt from exhaustion of
4 administrative remedy requirements; and exempt from an
5 official immunity defense when Officers, Agents, and
6 Employees are sued in their individual and private
7 capacity(ies).

8
9 Inasmuch as a Declaratory Judgment pursuant to 28
10 U.S.C. §2201 will be dispositive of the current matter
11 before the Court, a Request for a Speedy Hearing as
12 contemplated at Federal Rule of Civil Procedure is being
13 concomitantly and simultaneously filed herewith, moving
14 the Court for a Speedy Hearing within sixty (60) days from
15 the date of filing herein.

16 Furthermore, the Petitioner has reserved the right
17 to request additional Remedy and Relief based on the
18 Declaratory Judgment, pursuant to the Act of Congress
19 evidenced at 28 U.S.C. §2202.

20
21 The Demand for Declaratory Judgment/Determination
22 follows:

23 I. DECLARATORY JUDGMENT DEMANDED

24
25 It cannot be overly stressed enough that the Judges
26 and Justices of the Article III Judicial Department do
27 not possess any Constitutional law-making powers; and as
28

1 such, Judicial Decrees, Judgments, or Orders cannot be
2 construed as substitutes for Acts of Congress or the
3 Supreme Law of the Land.

4
5 Furthermore, inasmuch as all Judgments, Decrees, Rulings,
6 and Opinions of any Federal Judge, whether it be a Supreme
7 Court Justice, an Appellate Court Judge, a District Court
8 Judge, or any other Federal Judge, which has been rendered
9 in violation of the Constitution; or rendered in violation
10 of an Act of Congress; or rendered without Jurisdiction
11 over the Parties or over the Subject Matter; or rendered
12 in violation of Due Process of Law; are VOID, without force
13 or effect, and are therefore Legal Nullities. Specifically
14 and particularly, whether or not such VOID JUDGMENTS have
15 yet to be challenged does not alter the fact that such
16 VOID JUDGMENTS are in fact Legal Nullities.

17 In order to avoid the possibility of reliance on
18 VOID JUDGMENTS/Legal Nullities which comprise much of Federal
19 Judicial Case Precedent, the provisions of the Supreme
20 Law of the Land have been exclusively relied upon for the
21 Basis of Law for all Nineteen (19) Declaratory Judgments
22 Demanded herein.

23
24 Therefore, STEVEN FISHMAN, the Petitioner in the instant
25 case and/or controversy under Article III, hereby demands
26 remedy in the nature of a Declaratory Judgment/Determination
27 with Regard to Questions of Law set forth herein; and that
28

1 the Declaratory Judgment, and specifically and particularly
2 each and every Judgment contained herein, be either Affirmed
3 or Denied; and that the Constitutional and Statutory basis
4 for any such denial be provided in writing; and that this
5 be done as a prerequisite and condition precedent prior
6 to this case, or any aspect of it, moving forward, as the
7 following Rules of Law are critical to the underpinnings
8 of the instant case. All Declaratory Judgments Demanded
9 herein will be deemed Affirmed by Tacit Acceptance, should
10 the Court neglect or refuse to respond within sixty (60)
11 days of the filing of this Petition.

12
13
14 QUESTIONS AND RULINGS OF LAW DEMANDED
15 PURSUANT TO THE DECLARATORY JUDGMENT ACT:
16 28 U.S.C. §2201

17
18
19 QUESTION 1:

20
21 Is the Constitution of the United States, all Laws
22 of the United States made in pursuance to the Constitution,
23 and all Treaties already existing at the time of ratification
24 or will be made after ratification of the Constitution,
25 the Supreme Law of the Land?

26 BASIS FOR DECLARATORY JUDGMENT DEMANDED FOR QUESTION 1:

27 The provisions of the Constitution at Article VI,
28

1 Clause 2, establishes the composition of the Supreme Law of
2 the Land, as follows: "This Constitution, and the Laws
3 of the United States which shall be made in Pursuance thereof;
4 and all Treaties made, or which shall be made, under the
5 Authority of the United States, shall be the supreme Law
6 of the Land...."

7
8 DECLARATORY JUDGMENT DEMANDED [QUESTION 1]:

9 It is therefore Declared that the Supreme Law of the
10 Land is the Constitution of the United States, and the
11 Laws of the United States, which are made in Pursuance
12 to the Constitution, and all Treaties already existing
13 at the time of ratification of the Constitution as well
14 as those Treaties to be made after ratification of the
15 Constitution of the United States.

16
17 QUESTION 2:

18 Are all Officers, Agents, and Employees of the Federal
19 Government of the United States, and all Officers, Agents,
20 and Employees of the Governments of the several states
21 of the Union, required to, by oath or affirmation, agree
22 to uphold the Supreme Law of the Land, and to provide
23 allegiance to the Supreme Law of the Land?

24
25 BASIS FOR DECLARATORY JUDGMENT DEMANDED FOR QUESTION 2:

26 The provisions of the Constitution at Article VI,
27 Clause 3, Oath of Office, requires that: "The Senators
28

1 and Representatives before mentioned, and the Members of
2 the several State Legislatures, and all executive and judicial
3 Officers, both of the United States and of the several
4 States, shall be bound by Oath or Affirmation, to support
5 this Constitution...."

6
7 Congress, as evidenced at 5 U.S.C. §3331, Oath of
8 Office, requires the following oath or affirmation of all
9 Officers, Agents and Employees of the Federal Government
10 of the United States with the exception of the President
11 of the United States: "An individual, except the President,
12 elected or appointed to an office of honor or profit in
13 the civil service or uniformed services, shall take the
14 following oath: "I, AB, do solemnly swear (or affirm) that
15 I will support and defend the Constitution of the United
16 States against all enemies, foreign and domestic; that
17 I will bear true faith and allegiance to the same; that
18 I take this obligation freely, without any mental reservation
19 or purpose of evasion; and that I will well and faithfully
20 discharge the duties of the office on which I am about
21 to enter. So help me God." This section does not affect
22 other oaths required by law."

23 Article II, Section 1, Clause 8, provides the text
24 of the oath (affirmation) of the President, as follows:
25 "I do solemnly swear (or affirm) that I will faithfully
26 execute the Office of President of the United States, and
27 will to the best of my Ability, preserve, protect and defend
28

1 the Constitution of the United States."

2
3 As evidenced at 28 U.S.C. §453, Congress requires
4 an additional oath or affirmation of all Federal Judges
5 as follows: "I, ---, do solemnly swear (or affirm) that
6 I will administer justice without respect to persons, and
7 do equal right to the poor and to the rich, and that I
8 will faithfully and impartially discharge and perform all
9 the duties incumbent upon me as --- under the Constitution
10 and laws of the United States. So help me God."

11 DECLARATORY JUDGMENT DEMANDED [QUESTION 2]:

12
13 It is therefore Declared that all Officers, Agents,
14 and Employees of the Federal Government of the United States,
15 and all Officers, Agents, and Employees of the Government
16 of the several states of the Union, are bound by oath or
17 affirmation to support, uphold, preserve, protect and defend
18 the Constitution of the United States, and to bear allegiance
19 to the Constitution of the United States.

20 QUESTION 3:

21
22 Do the several states of the Union, by and through
23 their respective Representatives and Senators, comprise
24 the United States Legislative Department?

25 BASIS FOR DECLARATORY JUDGMENT DEMANDED FOR QUESTION 3:

26
27 The provisions of the Constitution at Article I, Section

1, Legislative Powers Vested in Congress, establishes: "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

The provisions of the Constitution at Article I, Section 2, Clause 1, House of Representatives -- Composition -- Electors, establishes that "The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

To qualify as a State Representative pursuant to Article I, Section 2, Clause 2, of the Constitution, Qualifications of Representatives, this Clause establishes: "No person shall be a Representative who shall not have attained the Age of twenty-five Years, and have been seven Years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen."

The provisions of the Constitution at Article I, Section 3, Clause 1, Senate -- Composition, establish that "The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote."

The Seventeenth Amendment to the Constitution modified Article I, Section 3, Clauses 1 and 2, with regard to the

1 election and vacancies, establishing that "The Senate of
2 the United States shall be composed of two Senators from
3 each State, elected by the people thereof, for six years;
4 and each Senator shall have one vote. The electors in
5 each State shall have the qualifications requisite for
6 electors of the most numerous branch of the State legislatures.

7
8 When vacancies happen in the representation of any
9 State in the Senate, the executive authority of such State
10 shall issue writs of election to fill such vacancies: Provided,
11 That the legislature of any State may empower the executive
12 thereof to make temporary appointments until the people
13 fill the vacancies by election as the legislature may direct."

14 Article I, Section 3, Clause 3, Qualifications of
15 Senators, establishes that "No Person shall be a Senator
16 who shall not have attained to the Age of thirty Years,
17 and have been nine Years a Citizen of the United States,
18 and who shall not, when elected, be an Inhabitant of that
19 State for which he shall be chosen."

20
21 DECLARATORY JUDGMENT DEMANDED [QUESTION 3]:

22 It is therefore declared that the several states of
23 the Union, by and through their respective Representatives
24 and Senators, comprise the United States Legislative
25 Department.

26 //
27

1 QUESTION 4:
2

3 Do the provisions of Article I, Section 8, Clause
4 18, vest exclusive and absolute power in the several states of
5 the Union, by and through the states' Representatives and
6 Senators in Congress, to, by legislation, carry into execution
7 or rescind all powers vested by the Constitution in the
8 Federal Government of the United States; powers vested
9 in the Executive Department; Judicial Department; Legislative
10 Department; and the Officers of said Departments?

11 BASIS FOR DECLARATORY JUDGMENT DEMANDED FOR QUESTION 4:
12

13 Article I, Section 8, Clause 18, All Necessary and
14 Proper Laws, establishes that the several states of the
15 Union, by and through their delegations in Congress, are
16 vested with the exclusive and absolute power by legislation,
17 to carry into execution all powers vested by the Constitution
18 in the Federal Government of the United States; or to rescind
19 any Constitutional powers, as follows: The Congress shall
20 have Power "To make all Laws which shall be necessary and
21 proper for carrying into Execution the foregoing Powers,
22 and all other Powers vested by this Constitution in the
23 Government of the United States, or in any Department or
24 Officer thereof." The "foregoing powers" are enumerated
25 within Article I, Section 8, Clauses 1 through 17. "Officers
26 thereof" refer to the Executive Department and all of the
27 Officers, Agents and Employees of the Executive Department;

1 and the Judicial Department and all of the Officers, Agents
2 and Employees of the Judicial Department, specifically
3 the Judges.

4
5 As evidenced by the Act of Congress evidenced at 50
6 U.S.C. §1541(b), Congressional Legislative Power Under
7 Necessary and Proper Clause, the several states of the
8 Union, by and through Congress, expressed recognition that
9 the several states of the Union in Congress have the exclusive
10 and absolute power by legislation, to carry into execution
11 or rescind all powers vested by the Constitution in the
12 Federal Government of the United States as follows: "(b)
13 Under Article I, Section 8, of the Constitution, it is
14 specifically provided that the Congress shall have the
15 power to make all laws necessary and proper for carrying
16 into execution, not only its own powers, but also all other
17 powers vested by the Constitution in the [Federal] Government
18 of the United States, or in any department of officer thereof."

19 The provisions of Article I, Section 8, Clause 18,
20 use the word "for" with reference to the legislative powers
21 of Congress, to establish the express and limited purpose
22 of legislation for either implementing or rescinding any
23 and all power vested by the Constitution in the Federal
24 Government of the United States.

25
26 //

1 DECLARATORY JUDGMENT DEMANDED [QUESTION 4]:
2

3 It is therefore Declared that Article I, Section 8,
4 Clause 18 of the Constitution of the United States, vests
5 exclusive and absolute power in the several states of the
6 Union, by and through State Representatives and Senators,
7 for the express and limited purpose by legislation, to
8 carry into execution or rescind any and all powers vested
9 by the Constitution in the Federal Government of the United
10 States; powers vested in the Executive Department and the
11 Office of the Executive Department; and powers vested in
12 the Judicial Department and the Officers of the Judicial
13 Department, specifically the Judges; and the Legislative
14 Department.

15 QUESTION 5:
16

17 Do the provisions of the Tenth Amendment to the
18 Constitution of the United States, limit the Federal
19 Government's powers expressly delegated in writing to the
20 Federal Government of the United States by the Constitution,
21 and reserve all powers not prohibited by the Constitution
22 to the States, or to the People; and prohibit Federal Officers,
23 Agents and Employees, specifically Federal Judges, from
24 establishing unwritten implied, self-executing, extra-
25 Constitutional powers for themselves and/or the Federal
26 Government?
27
28

1 BASIS FOR DECLARATORY JUDGMENT DEMANDED FOR QUESTION 5:
2

3 The provisions of the Tenth Amendment establish that "The
4 powers not delegated to the United States by the Constitution,
5 nor prohibited by it to the States, are reserved to the
6 States respectively, or to the people."

7 Pursuant to Article I, Section 8, Clause 18, all powers
8 delegated to the Federal Government of the United States
9 by the Constitution are dormant, unless and until the several
10 states of the Union in Congress, implement by legislation
11 specific powers delegated to the Federal Government of
12 the United States. The states in Congress can, by legislation,
13 rescind any Federal Power previously implemented by the
14 several states of the Union.

15
16 Unwritten, implied, extraconstitutional powers created
17 by judicial decree, cannot be implemented by the several
18 states of the Union, acting collectively in Congress; as
19 such unwritten, extraconstitutional power created by judicial
20 decree cannot lawfully be ratified by the People, as required
21 by Article V and VII of the United States Constitution,
22 making it impossible for the several states of the Union
23 in Congress by legislation, to implement such unwritten,
24 implied, extraconstitutional power.

25 Article III, Section 2; Clauses 1 and 2 of the
26 United States Constitution, delegates specific and limited
27 jurisdiction to the Federal Judicial Department, which
28

1 has been carried into execution by the several states of
2 the Union in Congress by legislation which includes but
3 is not limited to 28 U.S.C. §1251 et. seq., Original
4 Jurisdiction; 28 U.S.C. §1291 et. seq., Final Decisions
5 of District Courts; and 28 U.S.C. §1390, et. seq., Scope.
6 There is no evidence that the Constitution delegates any
7 power to the Federal Judicial Department by Judicial Decree
8 to vest the Federal Government or the Judicial Department
9 with implied, self-executing, extraconstitutional powers.

10
11 There is no evidence that the several states of the
12 Union in Congress, by legislation, authorized the Federal
13 Judicial Department by judicial decree, to vest unwritten,
14 implied, self-executing, extraconstitutional power in the
15 Federal Government of the United States.

16 The provisions of the Articles of Confederation and
17 the Tenth Amendment of the United States Constitution recognize
18 that the states are independent sovereign Constitutional
19 Republics, which, upon membership in and to the Union,
20 agreed to exercise certain sovereign powers collectively
21 with the sister states of the Union, rather than independently;
22 such as the powers vested in the several states of the
23 Union collectively in Congress at Article I, Section 8,
24 Clauses 1 through 18; whereas all other powers are exercised
25 by the several states of the Union independently. The
26 several states of the Union retain exclusive and absolute
27 power in Congress of all powers vested by the United States
28

1 Constitution in the Federal Government of the United States.
2 The Federal Government has no power except those specific
3 powers implemented through legislation by the several states
4 of the Union in Congress, which have not otherwise been
5 rescinded. All other powers delegated to the Federal Government
6 by the Constitution remain dormant.

7
8 Both the several states of the Union as well as the
9 Federal Government are equally prohibited from exercising
10 certain powers, as evidenced in Article I, Section 10,
11 Clause 1, Powers Denied States -- Treaties -- Money --
12 Ex Post Facto Laws -- Obligation of Contracts; and the
13 Fourteenth Amendment, [as an example], prohibiting the
14 making or enforcing any law abridging any privilege or
15 immunity of the Citizens of the United States, enforced
16 by the several states of the Union in Congress pursuant
17 to the Fourteenth Amendment, Section 5, Power To Enforce
18 Amendment: "The Congress shall have the power to enforce,
19 by appropriate legislation, the provisions of this Article,"
20 and the Acts of Congress evidenced at 42 U.S.C. §1981,
21 et. seq., Equal Rights Under the Law; and 18 U.S.C. §241,
22 Conspiracy Against Rights; and 18 U.S.C. §242, Deprivation
23 of Rights Under Color of Law; making it an act of civil
24 and criminal misconduct to violate any right protected
25 by the Constitution and Laws of the United States by the
26 enforcement of any State or Federal Law, Policy, and/or
27 Custom.

1 DECLARATORY JUDGMENT DEMANDED [QUESTION 5]:

2
3 It is therefore Declared that the Tenth Amendment
4 to the United States Constitution limits the powers of
5 the Federal Government to only those powers that have been
6 expressly delegated in writing to the Federal Government,
7 which have been implemented by the several states of the
8 Union in Congress by legislation, with all other powers
9 delegated to the Federal Government by the Constitution
10 remaining dormant.

11 It is further Declared that the several states of
12 the Union are Sovereign Constitutional Republics, which
13 agreed upon membership in and to the Union, to exercise
14 certain Sovereign Powers collectively, rather than
15 independently; such as those powers vested in the several
16 states of the Union collectively in Congress at Article
17 I, Section 8, Clauses 1 through 18; and all other powers
18 are exercised by the several states of the Union independently,
19 except those powers expressly prohibited to the several
20 states by the Constitution of the United States.

21
22 It is further Declared that all political power is
23 inherent in the People: the Body Politic.

24 QUESTION 6:

25
26 Do the provisions of Article I, Section 8, Clause
27 17, limit the Territorial, Legislative Jurisdiction of
28

1 the Federal Government exclusively to the seat of the Federal
2 Government of the United States [currently the District
3 of Columbia], and over all properties purchased by the
4 Federal Government by consent of the legislature of the
5 State where such property is located, for the express purpose
6 to erect forts, magazines, arsenals, dock-yards and other
7 needful buildings?

8
9 BASIS FOR DECLARATORY JUDGMENT DEMANDED FOR QUESTION 6:

10 The provisions of the United States Constitution at
11 Article I, Section 8, Clause 17, Authority Over Places
12 Purchased or Ceded, provide that the Federal Government
13 of the United States can only "...exercise exclusive
14 Legislation in all Cases whatsoever, over such District
15 (not exceeding ten Miles square) as may, by Cession of
16 particular States, and the Acceptance of Congress, become
17 the Seat of the Government of the United States, and to
18 exercise like Authority over all Places purchased by the
19 Consent of the Legislature of the State in which the Same
20 shall be, for the Erection of Forts, Magazines, Arsenals,
21 dock-Yards, and other needful buildings."

22
23 As evidenced by the Act of Congress at 40 U.S.C. §3112,
24 Federal Jurisdiction [formerly 40 U.S.C. §255], the power
25 vested in the several states of the Union in Congress at
26 Article I, Section 8, Clause 17 to establish Federal
27 Territorial, Legislative and Judicial Jurisdiction over
28

1 Federal Enclaves/Areas located in the several states of
2 the Union, remained a dormant power until 1940, when the
3 several states of the Union in Congress, pursuant to Article
4 I, Section 8, Clause 18, implemented the power to establish
5 Federal Jurisdiction over Federal Enclaves/Areas located
6 in the several states of the Union, by enacting the statute
7 evidenced at 40 U.S.C. §3112.

8
9 Prior to the Act evidenced at 40 U.S.C. §3112, it
10 was not possible for the Federal Government to establish
11 Federal Territorial Legislative, or Judicial Jurisdiction
12 over any Federally owned property located in the several
13 states of the Union, exclusive or otherwise, whether said
14 property was an empty parcel, military installation, or
15 any other Federal Facility located in the several states
16 of the Union, including but not limited to Federal District
17 Courts.

18 The states in Congress [as evidenced at 40 U.S.C.
19 §3112], established the procedure to create exclusive Federal
20 Jurisdiction over Federal Enclaves/Areas located in the
21 several states of the Union, as follows:

22
23 40 U.S.C. §3112:

24 (a) Exclusive Jurisdiction Not Required: It is not
25 required that the Federal Government obtain exclusive
26 jurisdiction in the United States over land or an interest
27 in land it acquires.

1 (b) Acquisition and Acceptance of Jurisdiction:

2 When the head of a department, agency, or independent
3 establishment of the [Federal] Government, or other authorized
4 officer of the department, agency, or independent establishment,
5 considers it desirable, that individual may accept or secure,
6 from the State in which land or an interest in land that
7 is under the immediate jurisdiction, custody or control
8 of the individual is situated, consent to, or cession of,
9 any jurisdiction over the land or interest not previously
10 obtained. The individual shall indicate acceptance of
11 jurisdiction on behalf of the [Federal] Government by filing a notice
12 of acceptance with the Governor of the State or in another
13 manner prescribed by the laws of the State where the land
14 is situated. (emphasis added).

15 (c) Presumption: It is conclusively presumed that
16 jurisdiction has not been accepted until the Government
17 accepts jurisdiction over land as provided in this section.

18 For any property located in a state of the Union to be a
19 Federal Enclave, three conditions must be present:

20 (1) The Federal Government of the United States must
21 purchase land from a state for the purpose of erecting
22 forts, magazines, arsenals, dock-yards or other needful
23 buildings; (2) the state Legislature must consent to the
24 jurisdiction of the Federal Government; and: (3) the Federal
25 Government must accept jurisdiction by filing a Notice
26 Government must accept jurisdiction by filing a Notice
27 Government must accept jurisdiction by filing a Notice

1 of Acceptance with the Governor of the state, or in another
2 manner prescribed by the laws of the state where the land
3 is situated.

4
5 Pursuant to the Act of Congress evidenced at 4 U.S.C.
6 §110(e), Definitions, "The term "Federal area" means any
7 lands or premises held or acquired by or for the use of
8 the United States[,] or any department, establishment,
9 or agency of the United States; and any Federal area, or
10 any part thereof, which is located within the exterior
11 boundaries of any State, shall be deemed to be a Federal
12 area located within such State."

13 Unless the conditions of 40 U.S.C. §3112 have been
14 complied with, no "Federal Area" located in the several
15 states of the Union is a Federal Enclave/Area, as such
16 "Federal Area" is nor would not be subject to Federal
17 Territorial, Legislative, or Judicial Jurisdiction.

18
19 The several states of the Union in Congress, as evidenced
20 at 18 U.S.C. §7(3), Special Maritime and Territorial
21 Jurisdiction of the United States Defined, established
22 that "The term .. Territorial Jurisdiction of the United
23 States" as used in Title 18 of the United States Code,
24 includes and is limited to.... "Any lands reserved or acquired
25 for the use of the United States, and under the exclusive
26 or concurrent jurisdiction thereof, or any place purchased
27 or otherwise acquired by the [Federal Government of the]

1 United States by consent of the legislature of the State
2 in which the same shall be, for the erection of a fort,
3 magazine, arsenal, dockyard, or other needful building."
4

5 Pursuant to the provisions of Article I, Section 8,
6 Clause 17, as carried into execution by the several states
7 of the Union in Congress pursuant to Article I, Section
8 8, Clause 18, as evidenced at 40 U.S.C. §3112, Federal
9 Territorial, Legislative and Judicial Jurisdiction within
10 any of the several states of the Union, exists only on
11 Federal Property subject to exclusive Federal Jurisdiction
12 pursuant to 40 U.S.C. §3112. All Federal Judicial Districts
13 located in the several states of the Union which are
14 established by Federal Legislation, must be comprised
15 exclusively of Federal Enclaves located in the several
16 states of the Union.

17 DECLARATORY JUDGMENT DEMANDED [QUESTION 6]:
18

19 It is therefore Declared that the provisions of Article
20 I, Section 8, Clause 17, limit the Territorial, Legislative
21 and Judicial Jurisdiction of the Federal Government exclusively
22 to the seat of the Federal Government of the United States,
23 the Territories, Insular Possessions, and over all property
24 purchased by the Federal Government by consent of the
25 legislature, where such property is located, over which
26 exclusive or concurrent Federal Territorial Jurisdiction
27 has been established, pursuant to Article I, Section 8,
28

1 Clause 18, as evidenced at 40 U.S.C. §3112.

2
3 It is further Declared that Federal Territorial,
4 Legislative, and Judicial Jurisdiction within any of the
5 several states of the Union, exists only on Federal Property
6 subject to exclusive Federal Jurisdiction pursuant to 40
7 U.S.C. §3112.

8 It is further Declared that all Federal Judicial Districts
9 located in the several states of the Union which are established
10 by Federal Legislation, must be comprised exclusively of
11 Federal Enclaves/Areas located in the several states of
12 the Union.

13
14 QUESTION 7:

15 Do the provisions of the Fourteenth Amendment, Section 1,
16 prohibit the Federal Government of the United States, and the
17 Government of the several states of the Union, from making
18 or enforcing any law which shall abridge the privileges
19 or immunities of the citizens of the United States?

20
21 BASIS FOR DECLARATORY JUDGMENT DEMANDED FOR QUESTION 7:

22 The provisions of the Fourteenth Amendment, Section 1,
23 Citizens of the United States, provides that: "...No State
24 shall make or enforce any law which shall abridge the
25 privileges or immunities of citizens of the United States; nor
26 shall any State deprive any person of life, liberty, or
27 property, without due process of law; nor deny to any person
28

1 within its jurisdiction the equal protection of the laws."

2
3 The provisions of the Fourteenth Amendment, Section 5,
4 Power to Enforce Amendment, provide that the several states of
5 the Union in Congress has the exclusive absolute power, by
6 legislation, to enforce the Fourteenth Amendment, as follows:

7 "The Congress shall have the power to enforce, by
8 appropriate legislation, the provisions of this article."
9 [the Fourteenth Amendment].

10
11 The several states of the Union in Congress, pursuant to
12 Article I, Section 8, Clause 18, and the Fourteenth Amendment,
13 Section 5, as evidenced at 42 U.S.C. §1981 et. seq., and
14 18 U.S.C. §241 and §242, established that it is both a
15 civil and a criminal act of misconduct to deprive an inhabitant,
16 such as the Petitioner, of any right protected by the
17 Constitution and the Laws of the United States. For example:
18 See: 42 U.S.C. §1983, Civil Action for Deprivation of Rights:

19 "Every person who, under color of any statute, ordinance,
20 regulation, custom, or usage, of any State or Territory
21 or the District of Columbia, subjects, or causes to be
22 subjected, any citizen of the United States or other person
23 within the jurisdiction thereof to the deprivation of any
24 rights, privileges, or immunities secured by the Constitution
25 and laws, shall be liable to the party injured in an action
26 at law, suit in equity, or other proper proceeding for redress,
27 except that in any action brought against a judicial officer
28

1 for an act or omission taken in such officer's judicial
2 capacity, injunctive relief shall not be granted unless
3 a declaratory decree was violated or declaratory relief
4 was unavailable." (emphasis added).

5
6 42 U.S.C. §1985(3), Depriving Persons of Rights or
7 Privileges, states:

8 "If two or more persons in any State or Territory
9 conspire, or go in disguise on the highway or on the premises
10 of another, for the purpose of depriving, either directly
11 or indirectly, any person or class of persons of the equal
12 protection of the laws, or of equal privileges and immunities
13 under the laws, ... in any case of conspiracy set forth
14 in this section, if one or more persons engaged therein
15 do, or cause to be done, any act in furtherance of the object
16 of such conspiracy, whereby another is injured in his person or
17 property, or deprived of having and exercising any right
18 or privilege of a citizen of the United States, the party
19 so injured or deprived may have an action for the recovery
20 of damages, occasioned by such injury or deprivation, against
21 any one or more of the conspirators."

22
23 18 U.S.C. §241, Conspiracy Against Rights, states:

24 "If two or more persons conspire to injure, oppress,
25 threaten, or intimidate any person in any State, Territory,
26 Commonwealth, Possession, or District in the free exercise
27 or enjoyment of any right or privilege secured to him by
28

1 the Constitution or laws of the United States, or because
2 of his having so exercised the same; or If two or more persons
3 go in disguise on the highway, or on the premises of another,
4 with intent to prevent or hinder his free exercise or enjoyment
5 of any right or privilege so secured -- They shall be fined
6 under this title or imprisoned not more than ten years,
7 or both..." (emphasis added).

8
9 And, 18 U.S.C. §242, Deprivation of Rights Under Color
10 of Law, states:

11 "Whoever, under color of any law, statute, ordinance,
12 regulation, or custom, willfully subjects any person in
13 any State, Territory, Commonwealth, Possession, or District
14 to the deprivation of any rights, privileges, or immunities
15 secured or protected by the Constitution or laws of the
16 United States, ... shall be fined under this title or
17 imprisoned not more than one year, or both; and if bodily
18 injury results from the acts committed in violation of this
19 section or if such acts include the use, attempted use,
20 or threatened use of a dangerous weapon, explosives, or
21 fire, shall be fined under this title or imprisoned not
22 more than ten years, or both; and if death results from
23 the acts committed in violation of this section or if such
24 acts include kidnapping [unlawful imprisonment pursuant to
25 18 U.S.C. §1201] or an attempt to kidnap ... shall be fined
26 under this title, or imprisoned for any term of years or
27 for life, or both, or may be sentenced to death."

1 The several states of the Union in Congress, as evidenced
2 at 28 U.S.C. §1343, Civil Rights and Elective Franchise,
3 in vesting Federal District Courts with authority/jurisdiction
4 for civil actions for damages for violation of any right
5 or privilege protected by the Constitution and Laws of the
6 United States, established at 28 U.S.C. §1343(b)(1), that:
7 "For purposes of this section -- (1) the District of Columbia
8 shall be considered to be a State..."

9
10 Article I, Section 8, Clause 17, as carried into execution
11 pursuant to Article I, Section 8, Clause 18, by the Act
12 of Congress evidenced at 40 U.S.C. §3112, Federal Legislative
13 Authority exists within the territorial borders of the several
14 states of the Union exists only within Federal Enclaves.
15 Federal Judicial Districts located in the several states
16 of the Union are comprised exclusively of Federal Enclaves.

17 The several states of the Union in Congress, by the
18 Act evidenced at 28 U.S.C. §132, Creation and Composition
19 of District Courts, District Courts must be located in a
20 Judicial District comprised of a Federal Enclave. 28 U.S.C.
21 §132(a) states: "There shall be in each judicial district
22 a district court which shall be a court of record known
23 as the United States District Court for the district."

24
25 The several states of the Union in Congress, by the
26 Act evidenced at 28 U.S.C. §132(b), requires that: "Justices
27 or judges designated or assigned shall be competent to sit
28

1 as judges of the court."

2
3 The several states of the Union in Congress, by the
4 Act evidenced at 28 U.S.C. §134, Tenure and Residence of
5 District Judges, establishes that for judges to be competent
6 to sit as judges of the court, (a) "The district judges
7 shall hold office during good behavior," and (b) "shall
8 reside in the district or one of the districts for which
9 he is appointed," requiring said judge to reside in a Federal
10 Enclave.

11 The several states of the Union in Congress, pursuant
12 to the Act evidenced at 28 U.S.C. §751(c), Clerks, requires
13 that the Clerk is to reside in the district for which he
14 is appointed, which requires the clerk to reside in a Federal
15 Enclave: "The clerk of each district court shall reside
16 in the district for which he is appointed..."

17
18 The several states of the Union in Congress, pursuant
19 to the Act evidenced at 28 U.S.C. §545(a), Residence, requires
20 that the United States Attorney shall reside in the district
21 for which he is appointed, which requires the United States
22 Attorney to reside in a Federal Enclave. 28 U.S.C. §545(a)
23 states: "Each United States attorney shall reside in the
24 district for which he is appointed..."

25 The several states of the Union in Congress, pursuant
26 to the Act evidenced at 28 U.S.C. §1865(b), Qualification
27 For Jury Service, establishes that for any person to qualify
28

1 to serve on [Federal] Grand and Petit Juries in a District
2 Court, said person must reside for at least a period of
3 one year within the judicial district, which requires said
4 person to reside in a Federal Enclave that comprise the
5 Judicial District. 28 U.S.C. §1865(b) states: "In making
6 such determination[,] the chief judge of the district court,
7 or such other district court judge as the plan may provide,
8 or the clerk if the court's jury selection plan so provides,
9 shall deem any person qualified to serve on grand and petit
10 juries in the district court unless he -- (1) is not a citizen
11 of the United States eighteen years old who has resided
12 for a period of one year within the judicial district..."
13 (emphasis added).

14
15 Since it is a standard practice to summon a Special
16 Grand Jury in all Federal Criminal Cases filed in United
17 States District Courts located in the several states of
18 the Union; the several states of the Union in Congress,
19 pursuant to the Act evidenced at 18 U.S.C. §3331, Summoning
20 and Term, requires that in order to summon a Special Grand
21 Jury, it must be established that: "... each district court
22 which is located in a judicial district containing more
23 than four million inhabitants ..." requires said inhabitants
24 to reside exclusively in Federal Enclaves which comprise
25 the Federal Judicial District, or that "the Attorney General,
26 the Deputy Attorney General, the Associate Attorney General,
27 or any designated Assistant Attorney General, certifies

1 in writing to the chief judge of the district that in his
2 judgment, a special grand jury is necessary because of criminal
3 activity in the district [within Federal Enclaves] shall
4 order a special grand jury to be summoned at least once
5 in each period of eighteen months unless another special
6 grand jury is then serving..." 18 U.S.C. §3331(a). (emphasis
7 added).

8 The several states of the Union in Congress, pursuant
9 to the Act evidenced at 28 U.S.C. §2071 et. seq., Rule-Making
10 Power Generally, vested in (a) "The Supreme Court and all
11 courts established by Act[s] of Congress..." with the authority
12 and power to prescribe general rules of practice and
13 procedure and rules of evidence for cases in the United
14 States District Courts and Courts of Appeal. Since the
15 several states of the Union in Congress, pursuant to the
16 Act evidenced at 28 U.S.C. §2071, et. seq., vest the Supreme
17 Court with the power to establish rules of procedure, by
18 extension, Federal Rules of Civil Procedure and Federal
19 Rules of Criminal Procedure, as examples, established by
20 the Supreme Court, are Acts of Congress.

21 Federal Rule of Criminal Procedure 18, Place of
22 Prosecution and Trial, establishes that all Federal Offenses
23 be prosecuted in the district [Federal Enclave] where the
24 offense was committed. The court must set the place of
25 trial within the district [Federal Enclave]. Federal Rule
26 of Criminal Procedure 18 states: "Unless a statute or these
27 rules permit otherwise, the government must prosecute an
28

1 offense in a district [Federal Enclave] where the offense
2 was committed. The court must set the place of trial within
3 the district [Federal Enclave]..." (emphasis added).
4

5 The several states of the Union in Congress, pursuant
6 to the Act evidenced at 18 U.S.C. §3231, District Courts,
7 vested "The district courts of the United States shall have
8 original jurisdiction, exclusive of the courts of the States,
9 of all offenses against the laws of the United States.
10 Nothing in this title shall be held to take away or impair
11 the jurisdiction of the courts of the several states under
12 the laws thereof."

13 Laws of the United States can only exist and be enforced
14 Constitutionally in the District of Columbia, the Federal
15 Territories, the Insular Possessions, and the Federal Enclaves
16 located in the several states of the Union.
17

18 The several states of the Union in Congress, by the
19 Act evidenced at 18 U.S.C. §7, Special Maritime and Territorial
20 Jurisdiction of the United States Defined, establishes that
21 "The term ... territorial jurisdiction of the United States,
22 as used in this title, includes [and is limited to]: (3)
23 Any lands reserved or acquired for the use of the United
24 States, and under the exclusive or concurrent jurisdiction
25 thereof, or any place purchased or otherwise acquired by
26 the United States by consent of the legislature of the State
27 in which the same shall be, for the erection of a fort,
28

1 magazine, arsenal, dockyard or other needful building."
2

3 Any Officer, Agent, or Employee of the Federal Government
4 of the United States, who, while being under oath or
5 affirmation to uphold the Supreme Law of the Land, who enters
6 the several states of the Union under force of arms outside
7 any Federal Enclave, to subject the inhabitants of the several
8 states of the Union to the application and enforcement of
9 any Federal Law of the United States, engages in the civil
10 and criminal acts of misconduct identified by the several
11 states of the Union in Congress at 42 U.S.C. §1981 et. seq.
12 and 18 U.S.C. §241 and §242 respectively, as conspiracy
13 under color of [Federal] Law to deprive the inhabitants
14 of the several states of the Union of rights protected by
15 the Constitution and Laws of the United States, in violation of
16 the Fourteenth Amendment, Section 1.

17 DECLARATORY JUDGMENT DEMANDED [QUESTION 7]:
18

19 It is therefore Declared that the Provisions of the
20 Fourteenth Amendment, Section 1, prohibits the Federal
21 Government of the United States, and the Government of the
22 several states of the Union, from making or enforcing any
23 law which shall abridge the privileges or immunities of
24 the citizens of the United States.

25 It is further Declared that any Officer, Agent, or
26 Employee of the Federal Government of the United States,
27 who, while being under oath or affirmation to uphold the
28

1 Supreme Law of the Land, who enters the several states of the
2 Union under force of arms outside any Federal Enclave, in
3 order to subject the inhabitants of the several states of
4 the Union to the application and enforcement of any Federal
5 Law of the United States; said Officer, Agent, or Employee
6 of the Federal Government is engaged in the civil and criminal
7 act of misconduct identified by the several states of the
8 Union in Congress at 42 U.S.C.* §1981, et. seq., and 18 U.S.C.
9 §241 and §242, as conspiracy under color of [Federal] law
10 to deprive the inhabitants of the several states of the
11 Union of rights protected by the Constitution and the Laws
12 of the United States, in violation of the Fourteenth
13 Amendment, Section 1.

14
15 QUESTION 8:

16 Do the provisions of the Acts of Congress evidenced
17 at 1 U.S.C. §114, Sealing of Instruments, and 28 U.S.C.
18 §1691, Seal and Teste of Process, establish that if any
19 writ or process, that being any written Order, Judgment,
20 Decree, Summons, or Warrant issued by any court of the
21 United States as defined by the Act of Congress evidenced
22 at 28 U.S.C. §451, Definitions, is NULL AND VOID, without
23 legal force or effect, and a Legal Nullity, when issued
24 and filed without being authenticated by the impressed
25 seal of the court, and countersigned by the Clerk of the
26 Court?

1 BASIS FOR DECLARATORY JUDGMENT DEMANDED FOR QUESTION 8:

2
3 By the Act evidenced at 28 U.S.C. §451, Definitions,
4 the several states of the Union in Congress established that
5 the term "court of the United States" as used in the context
6 of the Acts of Congress evidenced by the United States
7 Code, specifically Title 28 U.S.C., means as follows:

8 "As used in this title: The term "court of the United
9 States" includes the Supreme Court of the United States,
10 courts of appeals, district courts constituted by Chapter
11 5 of this title [28 U.S.C. §81, et. seq.], including the
12 Court of International Trade and any court created by
13 Act of Congress the judges of which are entitled to hold
14 office during good behavior."

15
16 The Act's specific reference that only the courts
17 created by Acts of Congress, the judges of which are entitled
18 to hold office during good behavior, being included with
19 the Supreme Court of the United States, and the provisions
20 of Article III, Section 1, vesting the several states
21 of the Union acting in Congress with power to ordain and
22 establish inferior courts to the Supreme Court; and to
23 provide that the judges of such courts, the Supreme Court
24 and the inferior courts should hold their office during
25 good behavior; signifying that all such courts are established
26 under the power vested by Article III of the Constitution
27 of the United States in the states of the Union in Congress.

1 The provisions of the Act evidenced at 28 U.S.C.
2 §451 confirm the status of "courts of the United States,"
3 and that of a "judge of the United States" by establishing
4 the meaning of the following terms:

5 "The terms "district court" and "district court of
6 the United States" mean the courts constituted by Chapter
7 5 of this title [28 U.S.C. §81, et. seq.];" and:
8

9 "The term "judge of the United States" includes judges
10 of the courts of appeals, district courts, Court of
11 International Trade[,] and any court created by Act of
12 Congress, the judges of which are entitled to hold office
13 during good behavior." and:
14

15 "The term "justice of the United States" includes
16 the Chief Justice of the United States and the associate
17 justices of the Supreme Court."

18 The provisions of the Act evidenced at 28 U.S.C.
19 §134, establish that district court judges are in fact
20 a "judge of the United States," and hold office under
21 Article III of the Constitution, pursuant to 28 U.S.C.
22 §134(a):
23

24 "The district judges shall hold office during good
25 behavior."

26 The several states of the Union in Congress, by and
27 through legislation evidenced at 28 U.S.C. §1691, Seal
28

1 and Teste of Process, mandates that: "All writs and process
2 issuing from a court of the United States shall be under
3 the seal of the court and signed by the clerk thereof."

4
5 Congress further provided at 1 U.S.C. §114, Sealing
6 of Instruments:

7 "In all cases where a seal is necessary by law to
8 any commission, process, or other instrument provided
9 for by the laws of Congress, it shall be lawful to affix
10 the proper seal by making an impression therewith directly
11 on the paper to which such seal is necessary; which shall
12 be as valid as if made on wax or other adhesive substance."

13
14 Even though a "Writ of Order," a "Writ of Judgment," a
15 "Writ of Summons," a "Writ of Warrant," a "Writ of Mandamus,"
16 a "Writ of Injunction," and a "Writ of Error" are rarely
17 used consistently, the term "writs and process issuing
18 from a court of the United States ...", when referring
19 to any written instrument issued by either the Supreme
20 Court of the United States, or any court established and
21 ordained by an Act of Congress under Article III of the
22 Constitution; for any such written instrument(s) to be
23 valid, said instrument(s) must be authenticated by the
24 impressed seal of the court and countersigned by the Clerk of
25 the Court, pursuant to the Acts of Congress evidenced
26 at 28 U.S.C. §1691 and 1 U.S.C. §114.

27 Accordingly, any "Writ of Order," "Writ of Judgment,"
28

1 "Writ of Summons," "Writ of Warrant," "Writ of Mandamus,"
2 "Writ of Injunction," "Writ of Error," or any other
3 instrument, including but not limited to a "Writ of Judgment
4 in a Criminal Case," rendered by a "district court of
5 the United States" constituted under Chapter 5 of Title
6 28 U.S.C. §81, et. seq., rendered and filed without
7 authentication in the nature of the impressed seal of
8 the court, and countersigned by the clerk of the court
9 as mandated by the Act of Congress evidenced at 28 U.S.C.
10 §1691 and 1 U.S.C. §114, is therefore NULL AND VOID, and
11 a Legal Nullity.

12
13 DECLARATORY JUDGMENT DEMANDED [QUESTION 8]:

14 It is therefore Declared that the provisions of the
15 Acts of Congress evidenced at 1 U.S.C. §114 and 28 U.S.C.
16 §1691, establish that any writ or process, that being
17 any written Order, Judgment, Decree, Summons, Warrant,
18 including a "Judgment in a Criminal Case," issued by any
19 court of the United States, as defined by the Act of
20 Congress evidenced at 28 U.S.C. §451, is NULL AND VOID,
21 without legal force or effect, and a Legal Nullity, when
22 issued and filed without being authenticated by the
23 impressed seal of the court and countersigned by the clerk
24 of the court.

25 //
26

27 //
28

1 QUESTION 9:
2

3 Are Judgments rendered by any "court of the United
4 States" in violation of the Constitution, without Jurisdiction
5 of the Parties, without Jurisdiction of the Subject Matter,
6 in violation of the Acts of Congress, or in violation
7 of Due Process of Law, VOID, without legal force or effect,
8 and thus Legal Nullities?

9 BASIS FOR DECLARATORY JUDGMENT DEMANDED FOR QUESTION 9:
10

11 The provisions of the Constitution at the Fifth and
12 Fourteenth Amendments establish that the inhabitants of both
13 the United States and the several states of the Union
14 have an absolute right not to be deprived of any liberty,
15 property, or life, without Due Process of Law; and thereby
16 renders any Judgment issued by any court of the United
17 States VOID, when issued in violation of the Constitution;
18 without Jurisdiction of the Parties; without Jurisdiction
19 of the Subject Matter; rendered in violation of the Acts
20 of Congress; which is therefore rendered in violation
21 of Due Process of Law, in violation of the Fifth and
22 Fourteenth Amendments to the United States Constitution;
23 and thus VOID, without force or effect, and Legal Nullities.
24 As such, Judgments are rendered in violation of the Supreme
25 Law of the Land, as identified at Article VI, Clause 2.

26 The several states of the Union in Congress, as
27 evidenced by and through legislation at 28 U.S.C. §2255(a),
28

1 designated that when a Judgment rendered by a district
2 court is VOID with regard to a "Judgment in a Criminal
3 Case," 28 U.S.C. §2255(a) states the following:

4
5 28 U.S.C. §2255(a), Federal Custody; Remedies on
6 Motion Attacking Sentence: "A prisoner in custody under
7 sentence of a court established by Act of Congress claiming
8 the right to be released upon the ground that the sentence
9 was imposed in violation of the Constitution or laws of
10 the United States, or that the court was without jurisdiction
11 to impose such sentence, or that the sentence was in excess
12 of the maximum authorized by law, or is otherwise subject
13 to collateral attack, may move the court which imposed
14 the sentence to vacate, set aside, or correct the sentence."

15 DECLARATORY JUDGMENT DEMANDED [QUESTION 9]:

16
17 It is therefore Declared that the provisions of the
18 Constitution at the Fifth and Fourteenth Amendments,
19 establish that the inhabitants of both the Federal Government
20 of the United States and of the several states of the
21 Union, have the inherent right not to be deprived of any
22 liberty, property, or life, without Due Process of Law,
23 and renders any Judgment rendered by any court of the
24 United States VOID, when issued in violation of the
25 Constitution or Laws of the United States; when rendered
26 without Jurisdiction of the Parties; when rendered without
27 Jurisdiction of the Subject Matter; and said Judgment

1 is therefore rendered in violation of Due Process of Law;
2 and thereby is in violation of the Fifth and Fourteenth
3 Amendments to the Constitution of the United States; and
4 thus are VOID, without legal force or effect, and are
5 Legal Nullities, as such Judgments are rendered in violation
6 of the Supreme Law of the Land, as identified at Article
7 VI, Clause 2 of the Constitution.

8
9 QUESTION 10:

10 Do the provisions of Article I, Section 8, Clauses
11 17 and 18; Article IV; Article VI, Clause 2; and the Tenth
12 Amendment to the Constitution; as well as the Acts of
13 Congress, specifically the Act evidenced at 40 U.S.C.
14 §3112, recognize the several states of the Union as
15 independent Constitutional Republics, with their own
16 Governments comprised of Executive Departments, Legislative
17 Departments, and Judicial Departments; and as foreign
18 states in relation to Federal States; including and limited
19 to the Federal State of the District of Columbia, the
20 Federal State Territories, the Federal State Commonwealths,
21 the Federal State Possessions; and the Federal State Enclaves;
22 making all Judgments, Decrees, Orders, Rulings, and Opinions
23 rendered by Federal Courts of the United States, foreign
24 judgments with regard to the several states of the Union;
25 and when applying such foreign Federal Court Judgments
26 within the territorial borders of any of the several states
27 of the Union against any of the inhabitants of any one
28

1 of the several states of the Union outside of any Federal
2 Enclave, this renders such Judgments, Decrees, Orders,
3 Rulings and Opinions, including but not limited to "Judgments
4 in a Criminal Case" thoroughly repugnant to the Constitution,
5 VOID, without any force or effect, and a Legal Nullity?

6
7 BASIS FOR DECLARATORY JUDGMENT DEMANDED FOR QUESTION 10:

8 Article VI, Clause 2, Supreme Law, provides that:
9 "This Constitution, and the Laws of the United States
10 which shall be made in Pursuance thereof; and all Treaties
11 made, or which shall be made, under the Authority of the
12 United States, shall be the supreme Law of the Land; and
13 the Judges in every State shall be found thereby, any
14 Thing in the Constitution or Laws of any State to the
15 Contrary notwithstanding."

16
17 As the Constitution is primarily the Supreme Law
18 of the Land, Article I, Section 8, Clause 18, establishes
19 that the whole of the Federal Government, all Departments
20 of the Federal Government, and all Officers of all Departments
21 of the Federal Government, are subject to the express
22 and absolute authority of the several states of the Union
23 in Congress, to wit:

24 "The Congress [the several states of the Union by
25 and through their respective Representatives and Senators]
26 shall have the Power ... To make all Laws which shall
27 be necessary and proper for carrying into Execution the
28

1 foregoing Powers [Article I, Section 8, Clauses 1 through
2 17], and all other Powers vested by the Constitution in
3 the Government of the United States, or in any Department
4 or Officer thereof." (emphasis added).

5
6 Congress expressed the understanding that the several
7 states of the Union in Congress, collectively are vested
8 with the absolute and exclusive authority over all of
9 the Federal Government of the United States and all Offices
10 of the Federal Government of the United States, at the
11 Act of Congress evidenced at 50 U.S.C. §1541(b), as follows:

12 "Congressional Legislative Power Under Necessary
13 and Proper Clause: Under Article I, Section 8, of the
14 Constitution, it is specifically provided that the Congress
15 shall have the power to make all laws necessary and proper
16 for carrying into execution, not only its own powers but
17 also all other powers vested by the Constitution in the
18 Government of the United States, or in any department
19 or officer thereof."

20
21 The provisions of the Tenth Amendment establish that
22 the powers of the Federal Government are limited to only
23 those powers specifically delegated to the Federal
24 Government in writing, by the Constitution, as follows:

25 "The powers not delegated to the United States by
26 the Constitution, nor prohibited by it to the States,
27 are reserved to the States respectively, or to the people."

1 (emphasis added).

2
3 The Supreme Law of the Land, pursuant to Article
4 I, Section 8, Clause 18, and the Tenth Amendment, limit
5 the Constitutional authority of the Federal Government
6 of the United States to only those powers delegated to
7 the Federal Government which have been carried into execution
8 by the several states of the Union in Congress by legislation.
9 All other powers remain dormant.

10 As the Supreme Law of the Land, the Federal Government
11 may only exercise power vested by the Constitution of
12 the United States at the pleasure of the several states
13 of the Union; acting in their sovereign collective authority
14 in Congress. The several states of the Union have the
15 power to rescind any power vested by the Constitution
16 in the Federal Government of the United States, its
17 Departments, and Officers.

18
19 The several states of the Union, Declared to the
20 world in the Declaration of Independence that the states
21 of the Union are countries, equal to all other countries
22 of the world, to wit:

23 "We, therefore, the Representatives of the united
24 States, in general Congress, Assembled, appealing to
25 the Supreme Judge of the world for the rectitude of our
26 intentions, do, in the name, and by the Authority of
27 the good people of the United Colonies are, and of Right,
28

1 ought to be Free and Independent States; that all political
2 connection between them and the state of Great Britain,
3 is and ought to be totally dissolved; and that as Free
4 and Independent States, they have full Power to levy war,
5 conclude Peace, contract Alliances, establish Commerce,
6 and to do all other Acts and Things which Independent
7 States may of right do. ---" .
8

9 It must be noted that in the context of the Declaration
10 of Independence, that the Nation of Great Britain is denoted
11 as "the State of Great Britain," denoting that the term:
12 "State" in the context of the Declaration of Independence,
13 the Articles of Confederation, and the Constitution of
14 the United States, means independent country or nation.

15 The several states of the Union, in Congress, established
16 in the context of the Acts of Congress, by the Act evidenced
17 at 22 U.S.C. §456, that the term: "state", when styled
18 with a lower case "s", indicates nation, government, and
19 country, to wit:

20
21 22 U.S.C. §456(e): Definitions: "The term "state"
22 shall include [and is limited to] nation, government,
23 and country." (emphasis added).

24 Furthermore, in 22 U.S.C. §2200b(c)(3), this Act of
25 Congress established that in the context of the Acts of
26 Congress, that when the term: "state" is styled with a
27 capital "S", the term: "State" includes and is limited
28

1 to the District of Columbia and any Federal Commonwealth,
2 Federal Territory, or Federal Possession of the United
3 States, to wit:

4
5 22 U.S.C. §2200b(c)(3): "the term "State" includes
6 the District of Columbia and any commonwealth, territory,
7 or possession of the United States."

8 In the context of the Acts of Congress, the term:
9 "State", when styled with a capital "S", indicates all
10 locations subject to the Territorial, Legislative, and
11 Judicial Jurisdiction of the Federal Government of the
12 United States.

13
14 As evidenced by the Declaration of Independence,
15 the Articles of Confederation, Article IV of the Constitution
16 as well as the Tenth Amendment to the Constitution, these
17 establish the recognition that each and every state of
18 the Union is an independent Constitutional Republic, with
19 its own Constitution, and government comprised of an Executive
20 Department, a Legislative Department, and a Judicial
21 Department. Its own citizens are recognized by the Fourteenth
22 Amendment, Section 1, regarding the citizenship of the
23 state of residence, and its own military in the nature
24 of the state National Guard, making the states of the
25 Union in fact nations.

26 The Constitution recognizes that the several states
27 are foreign to each other by and through the provisions
28

1 of Article IV; and that each state has its own citizens
2 at Article IV, Section 2, Clause 1, Privileges and Immunities
3 of Citizens, which provides that "The Citizens of each
4 State shall be entitled to all Privileges and Immunities
5 of Citizens in the several States."

6
7 Pursuant to the provisions of the Declaration of
8 Independence, the Articles of Confederation, the provisions
9 of the Constitution at Article I, Section 8, Clause 18,
10 Article IV, and the Tenth Amendment; the states, upon
11 joining the Union, retain all sovereign powers as
12 independent nation/states, and upon joining, agree to
13 exercise certain aspects of national powers collectively
14 by and through the states' representatives and senators
15 in Congress, as exemplified by Article I, Section 8, Clauses
16 1 through 18; and agree to refrain from the exercise of
17 certain sovereign powers, especially with regard to not
18 making or enforcing any laws abridging the rights, privileges,
19 or immunities of the citizens and/or inhabitants of their
20 states, as exemplified by the Fourteenth Amendment.

21 Upon establishing the Federal Government, the several
22 states of the Union did not, at any time, surrender any
23 sovereign powers to the Federal Government, but retained
24 absolute and exclusive power over the Federal Government,
25 pursuant to Article I, Section 8, Clause 18; vesting absolute
26 and exclusive power in the several states of the Union
27 over all power vested by the Constitution in the Federal
28

1 Government of the United States.

2
3 In order to ensure that the collective authority
4 of the several states of the Union could not be applied
5 or enforced within the territorial limits of any of the
6 sister states of the Union, Article I, Section 8, Clause
7 17, and Article 4, Section 3, Clause 2, Territory or Property
8 of the United States, limits the application and enforcement
9 of Federal Legislative Authority, exclusively to the District
10 of Columbia, the Federal Territories, the Federal
11 Commonwealths, the Federal Possessions, and Federal Enclaves
12 within the several states.

13 Congress did not enact legislation to implement the
14 provisions of Article I, Section 8, Clause 17, in order
15 to establish Federal Enclaves in the several states of
16 the Union, until the year 1940. The Act of Congress evidenced
17 at 40 U.S.C. §3112, evidenced that the several states
18 of the Union in Congress, exercised the power vested by
19 Article I, Section 8, Clause 18, to carry into execution
20 the power vested in Congress at Article I, Section 8,
21 Clause 17, to establish Federal Enclaves in the several
22 states of the Union, that would be subject to exclusive
23 Territorial, Legislative, and Judicial Jurisdiction of
24 the Federal Government of the United States.

25
26 Until 1940, no Federal Enclave subject to Federal
27 Territorial, Legislative, or Judicial Jurisdiction existed

1 within the several states of the Union; as the power to
2 establish Federal Enclaves had yet to be carried into
3 execution by the several states of the Union in Congress.
4

5 Prior to 1940, it was not lawful to apply or enforce
6 any Federal Law within the Territorial Jurisdiction of
7 any of the several states of the Union, as there were
8 no Federal Enclaves in any of the states of the Union.

9 Prior to 1940, the provisions of the Act of Congress
10 evidenced at 28 U.S.C. §1332, provides that the United
11 States District Court Jurisdiction in diversity of citizenship
12 cases, limited jurisdiction to citizens of different states.
13 However, at 28 U.S.C. §1332(e), Congress defined the word
14 "States" styled with a capital "S" in the context of the
15 Act evidenced at 28 U.S.C. §1332, to mean exclusively
16 the following: "The word "States," as used in this section,
17 includes the Territories, the District of Columbia, and
18 the Commonwealth of Puerto Rico," with all of these locations
19 subject to the Territorial, Legislative, and Judicial
20 Jurisdiction of the Federal Government of the United States.
21

22 United States Attorney Philip F. Herrick of Puerto
23 Rico, made a written observation of the challenge created
24 by the provisions of the Act evidenced at 28 U.S.C. §1332
25 in the History and Ancillary Laws of 28 U.S.C. §1332,
26 as follows:

27 "The revised section conforms with the views of Philip
28

1 F. Herrick, United States Attorney, Puerto Rico, who observed
2 that the act of April 20, 1940, permitted action between
3 a citizen of Hawaii and of Puerto Rico, but not between
4 a citizen of New York and Puerto Rico, in the district
5 court."

6
7 In order to include citizens of the several states
8 of the Union, the 1940 Amendment established a new definition
9 at Subsection (b) of the 1940 Amendment, extending the
10 authority to entertain controversies between citizens
11 of the Territories of the District of Columbia and foreign
12 states, and citizens or subjects thereof, including citizens
13 of the several states of the Union as citizens of a foreign
14 state to the Federal Government.

15 Now appearing as 28 U.S.C. §1332(a)(2), evidence
16 of the Act of Congress states: "(a) The district courts
17 shall have original jurisdiction of all civil actions
18 where the matter in controversy exceeds the sum or value
19 of \$75,000, exclusive of interests and costs, and is between
20 --- (2) citizens of a State and citizens or subjects of
21 a foreign state..."

22
23 The several states of the Union, as independent
24 sovereign Constitutional Republics with their own independent
25 governments and citizens, are foreign states unto each
26 other; and individually and collectively foreign to the
27 Federal Government of the United States.

1 All Judgments issued by any court of the United States,
2 including but not limited to "Judgments in a Criminal
3 Case" issued by United States District Courts located
4 within the territorial borders of the several states of
5 the Union, as well as Judgments issued by the United States
6 Court of Appeal and the Supreme Court of the United States,
7 are foreign judgments with regard to the several states
8 of the Union; and when applied or enforced within the
9 territorial limits of a sovereign state of the Union outside
10 a Federal Enclave against any inhabitant of any one of
11 the several states of the Union, is repugnant to the
12 Constitution of the United States, as such foreign judgments
13 would be applied and enforced in violation of the
14 Constitutional limits imposed by Article I, Section 8,
15 Clause 17; Article IV, Section 3, Clause 2; and the Tenth
16 Amendment; rendering such Judgments, including but not
17 limited to "Judgments in a Criminal Case," NULL AND VOID
18 without legal force or effect, and Legal Nullities with
19 regard to the several states of the Union.

20
21 The provisions of Article VI, Clause 2, establishing
22 what comprises the Supreme Law of the Land, provides:

23 "Supreme Law: This Constitution, and the Laws of the
24 United States which shall be made in Pursuance thereof;
25 and all Treaties made, or which shall be made, under the
26 Authority of the United States, shall be the supreme Law
27 of the Land; and the Judges in every State shall be bound
28

1 thereby, any Thing in the Constitution or Laws of any
2 State to the Contrary notwithstanding."

3
4 The fact is that Article VI, Clause 3, Oath of Office,
5 requires that "The Senators and Representatives before
6 mentioned, and Members of the several State Legislatures,
7 and all executive and judicial Officers, both of the United
8 States and of the several States, shall be bound by Oath
9 or Affirmation, to support this Constitution; but no religious
10 Test shall ever be required as a Qualification to any
11 Office or public Trust under the United States."

12 Inasmuch as the provisions of Article I, Section
13 8, Clause 17; Article IV, Section 3, Clause 2; as well
14 as the Tenth and Fourteenth Amendments of the Constitution
15 of the United States; and the Act of Congress evidenced
16 at 40 U.S.C. §3112, limit the application and enforcement
17 of any Act of the Federal Congress of the United States
18 to only the District of Columbia, the Federal Territories,
19 the Federal Commonwealths, the Federal Possessions, and
20 Federal Enclaves established after 1940; and that Article
21 VI, Clause 2 of the Constitution provides that the Judges
22 in every state is bound to the Supreme Law of the Land,
23 and that anything in the Constitution or Laws of any
24 state to the contrary is notwithstanding; it is therefore
25 the duty of the Judges of the several states of the Union,
26 notwithstanding any provision of the state constitution(s)
27 or laws to the contrary, to prevent or aid in the prevention
28

1 of the application and/or enforcement of any Federal Law,
2 Federal Ordinance, Federal Regulation, Federal Custom,
3 Federal Usage, and all Federal Court Judgments, against
4 any citizen or inhabitant of the several states of the
5 Union, outside any Federal Enclave located in the states
6 of the Union established since 1940, as such application
7 and/or enforcement of any Federal Law, Federal Ordinance,
8 Federal Regulation, Federal Custom, Federal Usage, and
9 Federal Court Judgments, including but not limited to
10 "Judgments in a Criminal Case" rendered by a United States
11 District Court located in any one of the several states
12 of the Union, are indeed foreign laws and court judgments
13 outside Federal Enclaves that are repugnant to the Constitution
14 of the United States, and act to abridge the rights, privileges
15 and immunities of the citizens and/or inhabitants of the
16 several states of the Union under the pretense and color
17 of Federal Law; inasmuch as those rights, privileges and
18 immunities are protected by the Constitution and the Laws
19 of the United States. Thus, the Foreign Judgments of Federal
20 Courts, including "Judgments in a Criminal Case," are VOID,
21 without lawful force or effect, and are thereby Legal Nullities.

22
23 DECLARATORY JUDGMENT DEMANDED [QUESTION 10]:

24 It is therefore Declared that Article I, Section 8,
25 Clauses 17 and 18; Article IV; Article VI, Clause 2 as
26 well as the Tenth Amendment to the Constitution and the
27 Acts of Congress, specifically and particularly the Act
28

1 evidenced at 40 U.S.C. §3112, recognize the several states
2 of the Union as independent Constitutional Republics, each
3 with their own governments that are comprised of Executive,
4 Legislative, and Judicial Departments; as foreign states
5 in relation to the Federal States; including and limited
6 to the Federal State of the District of Columbia; the Federal
7 State Territories; the Federal State Commonwealths; the
8 Federal State Possessions, and Federal State Enclaves;
9 making all Judgments, Decrees, Orders, Rulings and Opinions
10 rendered by Federal Courts of the United States as foreign
11 judgments with regard to the several states of the Union;
12 and when applying such foreign Federal Court Judgments
13 within the territorial borders of any of the several states
14 of the Union against any of the citizens and/or inhabitants
15 of the several states of the Union outside any Federal
16 Enclave, renders such foreign Federal Court Judgments,
17 Decrees, Orders, Rulings and Opinions, including but not
18 limited to "Judgments in a Criminal Case" issued by a United
19 States District Court located within the borders of any
20 one of the several states of the Union, to be repugnant
21 to the Constitution of the United States, and thus VOID,
22 without any legal force or effect, and Legal Nullities.

23 QUESTION 11:
24

25 When brought to the attention of the Judge that rendered
26 a Judgment that is VOID, or when such VOID Judgment is
27 brought to the attention of any other Judge where such
28

1 Judgment is the subject of attention, because said VOID
2 Judgment was rendered in violation of the Constitution;
3 or rendered without jurisdiction of the parties; or rendered
4 without jurisdiction of the subject matter; or rendered
5 in violation of a statute; or rendered in violation of
6 Due Process of Law, is such Judge required to vacate such
7 VOID Judgment and purge the record?

8
9 BASIS FOR DECLARATORY JUDGMENT DEMANDED FOR QUESTION 11:

10 The several states of the Union, by and through the
11 express Act of Legislation evidenced at 28 U.S.C. §2071,
12 et. seq., Rule-Making Power Generally, vested the Supreme
13 Court of the United States and all courts established by
14 Acts of Congress with the power to prescribe rules of
15 procedure for the courts, including rules of procedure
16 for evidence, which must be approved by the several states
17 of the Union in Congress by the Act evidenced at 28 U.S.C.
18 §2074, Rules of Procedure and Evidence; Submission to Congress,
19 Effective Date, making all rules of procedure prescribed
20 by the Supreme Court and courts established by Acts of
21 Congress, by extension, an Act of Congress.

22
23 Since a Judgment rendered by a court of the United
24 States (1) in violation of the Constitution; (2) in violation
25 of an Act of Congress; (3) without Jurisdiction of the
26 Parties; (4) without Jurisdiction of the Subject Matter;
27 (5) in violation of Due Process of law, is NULL AND VOID,
28

1 without lawful force or effect, and thus a Legal Nullity,
2 such judgments can never become final; and are not subject
3 to res judicata, laches, or estoppel, and can be challenged
4 at any time.

5
6 The provisions of the Fifth and Fourteenth Amendments
7 establishing the protection for the right not to be deprived
8 of life, liberty, or property without Due Process of Law,
9 clearly establishes that any Judgment rendered by a Federal
10 or state court, in violation of the Constitution; in violation
11 of statute; without jurisdiction of the parties or of the
12 subject matter, violates Due Process of Law, and therefore,
13 the Federal or state court lacks the authority/jurisdiction to issue any
14 Judgment depriving a party of any right to life, liberty, or property.

15 The provisions of the First Amendment of the Constitution
16 establish the protections of the inherent right to petition
17 for redress of grievances, or in this case, to petition
18 for relief from the effects of a VOID JUDGMENT.

19
20 In keeping with the mandates of the Act of Congress
21 evidenced at 28 U.S.C. §2071, et. seq., the Supreme Court
22 and courts established by Acts of Congress have established
23 rules of procedure to aid in addressing and securing relief
24 from VOID JUDGMENTS rendered in violation of the Constitution;
25 in violation of statute; in violation of Due Process of
26 Law; and without jurisdiction of the parties or without
27 jurisdiction of the subject matter.

1 For civil actions, the Supreme Court established the
2 Federal Rules of Civil Procedure. Specifically and
3 particularly at Rule 12, Defenses and Objections, provides
4 procedures to initially challenge the presumption of 12(b)(1),
5 lack of subject-matter jurisdiction; 12(b)(2), lack of
6 personal jurisdiction; 12(b)(3), improper venue / [lack
7 of Territorial Jurisdiction]; 12(b)(4), insufficient process
8 [Due Process violation]; 12(b)(5), insufficient service
9 of process [denial of notice and opportunity to respond];
10 12(b)(6), failure to state a claim upon which relief can
11 be granted [i.e.: lack of Article III standing]; and: 12(b)(7),
12 failure to join a party under Rule 19.

13
14 At Federal Rule of Civil Procedure 12(h)(3), the rule
15 of law is: "Lack of Subject-Matter Jurisdiction. If the
16 court determines at any time that it lacks subject-matter
17 jurisdiction, the court must dismiss the action."

18 It is clear that pursuant to Federal Rule of Civil
19 Procedure 12(h)(3), it is a mandatory, non-discretionary
20 duty of the court to dismiss an action, which would of
21 necessity require the Judgment rendered in such action
22 to be vacated as VOID, when it is found that the Court
23 lacked subject-matter jurisdiction of the case.

24
25 For civil actions, the Supreme Court provided a Due
26 Process procedure to secure relief from a VOID Judgment
27 at Federal Rule of Civil Procedure 60(b)(4), which provides:

1 "On motion and just terms, the court may relieve a
2 party or its legal representative from a final judgment,
3 order, or proceeding for the following reason[]: (4) the
4 judgment is VOID. (emphasis added).
5

6 It should be noted that the time limitations for
7 petitioning for relief from judgment by motion apply only
8 to those reasons presented in Federal Rule of Civil Procedure
9 60(b)(1), (2), and (3). There is no time limit to secure
10 relief from a VOID JUDGMENT(S), as such Judgments, being
11 Legal Nullities, never become final. Such a motion under
12 60(b)(4) is an extension of Federal Rules of Civil Procedure
13 12(b) and 12(h)(3), requiring the mandatory vacating of
14 a Judgment, and dismissing the action for want of subject
15 matter jurisdiction.

16 For criminal actions, the Supreme Court provides at
17 Federal Rule of Criminal Procedure 12(b)(2) that: "A motion
18 that the court lacks jurisdiction may be made at any time
19 while the case is pending."
20

21 The Supreme Court provided the initial opportunity
22 to secure relief from a VOID Judgment in a Criminal Case
23 at Federal Rule of Criminal Procedure 34, entitled: "[Motion
24 to] Arrest[] Judgment," stating at (a): "Upon the defendant's
25 motion or on its own, the court must arrest judgment if
26 the court does not have jurisdiction of the charged offense."
27

28 While the provisions of Federal Rule of Criminal Procedure

1 34(b) limit the time that a defendant may bring a motion,
2 there is no time limit on the court; and the Rule imposes
3 a mandatory, non-discretionary requirement on the court
4 to arrest/vacate a judgment if the court does not have
5 jurisdiction of the charged offense, on its own motion.
6

7 The several states of the Union established an
8 additional opportunity to secure relief from a Judgment
9 in a Criminal Case, although limited to the issue of the
10 sentence imposed, evidenced at 28 U.S.C. §2255; and the
11 Supreme Court established Rules of Procedure to present
12 a petition for remedy and relief from a sentence imposed
13 by a United States District Court in a Criminal Case.

14 As evidenced at 28 U.S.C. §2255(a), this Act provides
15 that: "A prisoner in custody under sentence of a court
16 established by Act of Congress claiming the right to be
17 released upon the ground that the sentence was imposed
18 in violation of the Constitution or Laws of the United
19 States, or that the court was without jurisdiction to impose
20 such sentence, or that the sentence was in excess of the
21 maximum authorized by law, or is otherwise subject to
22 collateral attack, may move the court which imposed the
23 sentence to vacate, set aside[,] or correct the sentence."
24 (emphasis added).
25

26 It should be noted that prior to the 1996 Amendment,
27 the Act read: "A motion for relief may be made at any time,"
28

1 which clearly recognizes the fact that a sentence, being
2 an integral part of a Judgment when such Judgment is VOID
3 because it is rendered in violation of the Constitution
4 or Laws of the United States without Jurisdiction or in
5 violation of Due Process of Law, renders such a Judgment
6 not subject to any statute of limitations, laches, res
7 judicata, or estoppel. Erroneously, the current one year
8 limitation period for 28 U.S.C. §2255 filings after a judgment
9 is final, assumes that a VOID JUDGMENT can ever be final,
10 since a VOID JUDGMENT is and would have been VOID ab initio.

11
12 Since VOID JUDGMENTS are Legal Nullities, it is not
13 possible for a VOID JUDGMENT to ever be final. Consequently,
14 if the provisions are applied to address a VOID JUDGMENT
15 rather than an error in sentencing, the time limitation
16 period of the Act evidenced at 28 U.S.C. §2255(f) would
17 not apply; and in effect be comparable to Federal Rule
18 of Civil Procedure 60(b)(4).

19 Instead, the provisions of the Act evidenced at 28
20 U.S.C. §2255, addressing exclusively the issue of the sentence,
21 is comparable to and with Federal Rules of Civil Procedure
22 60(b)(1), (2), and (3), which imposes a one year time
23 limitation period from when the Judgment becomes final.

24
25 The provisions of the Act evidenced at 28 U.S.C. §2255
26 fail to afford remedy to secure relief from a VOID "Judgment
27 in a Criminal Case." However, as addressed by the Supreme
28

1 Court in Federal Rule of Civil Procedure 60(d), nothing
2 in either the Federal Rules of Civil Procedure, or
3 the Federal Rules of Criminal Procedure, or the Rules Governing
4 Section 2255 Proceedings, prevent any court of the United
5 States from entertaining an independent action to relieve
6 a party from a Judgment, Order, or Proceeding.

7
8 Since Judgments rendered in violation of the Constitution
9 and Laws of the United States that are or have been rendered
10 without jurisdiction, or rendered in violation of Due Process
11 of Law, thereby rendering a "Judgment in a Criminal Case"
12 VOID, without force or effect, and thus a Legal Nullity,
13 thus preventing the "Judgment in a Criminal Case" from
14 ever becoming final, keeping the Federal Criminal Case
15 ongoing and perpetually pending. since statutes of limitations,
16 res judicata, laches or estoppel have no force or effect,
17 this allows the party against whom such a VOID "Judgment
18 in a Criminal Case" to seek relief at any time from such
19 a VOID Judgment, by filing a motion under Federal Rule
20 of Civil Procedure 12(b)(2), a motion under Federal Rule
21 of Criminal Procedure 34, or file a separate action. The
22 Judge who rendered the VOID JUDGMENT, on his or her own
23 motion, sua sponte, must vacate the VOID JUDGMENT, and
24 purge the record.

25 DECLARATORY JUDGMENT DEMANDED [QUESTION 11]:
26

27 It is therefore Declared that when brought to the
28

1 attention of the Judge that rendered a Judgment that is
2 VOID, or when brought to the attention of any other Judge
3 wherein such Judgment is the subject of consideration,
4 because it was rendered in violation of the Constitution,
5 or rendered in violation of any statute, or rendered without
6 jurisdiction of the parties; or rendered without jurisdiction
7 of the subject matter; or rendered in violation of Due
8 Process of Law; the Judge that rendered the VOID JUDGMENT,
9 or other reviewing Judge who, when it becomes known that
10 such Judgment is VOID, has the mandatory and non-discretionary
11 duty and obligation to vacate such VOID JUDGMENT, and purge
12 the record.

13
14 QUESTION 12:

15 Do the provisions of the Federal Civil Rights Act of 1871,
16 evidenced at 42 U.S.C. §1983, 42 U.S.C. §1985, and 42 U.S.C.
17 §1986, enforcing the provisions of the Fourteenth Amendment,
18 Section 1, prohibit the Federal Government of the United
19 States and the governments of the several states of the Union,
20 from making or enforcing any law which shall abridge the
21 privileges or immunities of the citizens of the United
22 States, and/or any other person(s) within the Territorial
23 Jurisdiction of the United States; thereby subjecting Officers,
24 Agents, and Employees of the Federal Government; who, while
25 acting in their individual and private capacity(ies), causes
26 or subjects any party within the Territorial Jurisdiction
27
28

1 of the United States or elsewhere, to be subjected to
2 conspiracy under color of law to violate any of said party's
3 rights which are protected by the Constitution and
4 the Laws of the United States, thereby creating an action
5 of liability on behalf of the party damaged, for money
6 damages and other relief?

7
8 BASIS FOR DECLARATORY JUDGMENT DEMANDED FOR QUESTION 12:

9 The provisions of the Fourteenth Amendment, Section 1,
10 provides that: "... No State shall make or enforce any law
11 which shall abridge the privileges or immunities of citizens
12 of the United States; nor shall any State deprive any person
13 of life, liberty, or property, without due process of law;
14 nor deny to any person within its jurisdiction the equal
15 protection of the laws."

16
17 The provisions of the Fourteenth Amendment, Section
18 5, "Power to Enforce Amendment," provides that the several
19 states of the Union, in Congress, has the exclusive, absolute
20 power, by legislation, to enforce the Fourteenth Amendment,
21 as follows:

22 "The Congress shall have the power to enforce, by
23 appropriate legislation, the provisions of this article."

24
25 It cannot be overly stressed that the Judges of the
26 Article III Judicial Department do not possess any
27 Constitutional law-making powers; and as such, Judicial
28

1 Decrees cannot be construed as substitutes for Acts of
2 Congress.

3
4 Furthermore, inasmuch as all Judgments, Decrees, Rulings
5 and Opinions of any Federal Judge, whether it be a Supreme
6 Court Justice, an Appellate Court Judge, a District Court
7 Judge, or any other Federal Judge, which has been rendered
8 in violation of the Constitution; rendered in violation
9 of an Act of Congress; rendered without Jurisdiction over
10 the parties or over the subject matter; or rendered in
11 violation of Due Process of Law, are VOID without force
12 or effect, and are therefore Legal Nullities. Whether
13 such judgments have yet to be challenged does not alter
14 the fact that such VOID JUDGMENTS are in fact Legal Nullities.

15 In order to avoid the possibility of reliance on VOID
16 JUDGMENTS [Legal Nullities] which comprise much of Federal
17 Judicial Case Precedent, the provisions of the Supreme
18 Law of the Land have been relied upon and will be relied upon
19 in all of Questions 1 through 19 Demanded, so that and in order
20 to establish the basis of and for the Declaratory Judgment
21 Demanded and to be Determined as a condition precedent
22 for further relief will not be relying on Judicial Precedent.

23
24 The several states of the Union in Congress, pursuant
25 to Article I, Section 8, Clause 18, and the Fourteenth
26 Amendment, Section 5, by and through legislation, acted
27 to enforce the provisions of the Fourteenth Amendment,
28

1 Section 1, as evidenced at 42 U.S.C. §1981, 42 U.S.C. §1983,
2 42 U.S.C. §1985, 42 U.S.C. §1986; and 18 U.S.C. §241 and
3 18 U.S.C. §242. The initial "Federal Civil Rights Act,"
4 42 U.S.C. §1981, Equal Rights Under the Law, was based
5 on the Act of May 31, 1870, Chapter 114, Section 16, 16
6 Statute 114, and formerly appeared as 8 U.S.C. §41. 42
7 U.S.C. §1983, Civil Action For Deprivation Of Rights, was
8 based on the Act of April 20, 1871, Chapter 22, Section
9 1, 17 Statute 13, and formerly appeared as 8 U.S.C. §43.
10 42 U.S.C. §1985, Conspiracy To Interfere With Civil Rights,
11 was based on the Act of July 31, 1861, Chapter 33, 12 Statute
12 284; and April 20, 1871, Chapter 22, Section 2, 17 Statute
13 13, and formerly appeared as 8 U.S.C. §47. 42 U.S.C. §1986,
14 Action For Neglect To Prevent Conspiracy, was based on
15 the Act of April 20, 1871, Chapter 22, Section 6, 17 Statute
16 15, and formerly appeared as 8 U.S.C. §48.

17
18 The Act evidenced at 18 U.S.C. §241, Conspiracy Against
19 Rights, was based on the Act of March 4, 1889, Chapter
20 321, Section 19, 35 Statute 1092. 18 U.S.C. §242, Deprivation
21 of Rights Under Color of Law, was based on the Act of March
22 4, 1909, Chapter 31, Section 20, 35 Statute 1092.

23 These acts establish that it is both a civil and a
24 criminal act of misconduct to conspire under color of law,
25 or to otherwise deprive anyone within the Territorial
26 Jurisdiction of the Federal Government of any right protected
27 by the Constitution and Laws of the United States.
28

1 The provisions of the Act of Congress evidenced at
2 42 U.S.C. §1983, Civil Action For Deprivation of Rights,
3 states:

4
5 "Every person who, under color of any statute, ordinance,
6 regulation, custom, or usage, or any State or Territory
7 or the District of Columbia, subjects, or causes to be
8 subjected, any citizen of the United States or other person
9 within the jurisdiction thereof to the deprivation of any
10 rights, privileges, or immunities secured by the Constitution
11 and laws, shall be liable to the party injured in an action
12 at law, suit in equity, or other proper proceeding for redress,
13 except that in any action brought against a judicial officer
14 for an act or omission taken in such officer's judicial
15 capacity, injunctive relief shall not be granted unless
16 a declaratory decree was violated or declaratory relief
17 was unavailable....." (emphasis added).

18 Furthermore, the provisions of the Act of Congress
19 evidenced at 42 U.S.C. §1985(3), Depriving Persons of Rights
20 or Privileges, states:

21
22 "If two or more persons in any State or Territory
23 conspire, or go in disguise on the highway or on the premises
24 of another, for the purpose of depriving, either directly
25 or indirectly, any person or class of persons of the equal
26 protection of the laws ... in any case of conspiracy set
27 forth in this section, if one or more persons engaged therein

1 do, or cause to be done, any act in furtherance of the object
2 of such conspiracy, whereby another is injured in his person
3 or property, or deprived of having and exercising any right
4 or privilege of a citizen of the United States, the party so
5 injured or deprived may have an action for the recovery of
6 damages, occasioned by such injury or deprivation, against any
7 one or more of the conspirators."

8
9 The provisions of the Act of Congress evidenced at 18
10 U.S.C. §241, Conspiracy Against Rights, states:

11 "If two or more persons conspire to injure, oppress,
12 threaten, or intimidate any person in any State, Territory,
13 Commonwealth, Possession or District in the free exercise
14 or enjoyment of any right or privilege secured to him by
15 the Constitution or laws of the United States, or because
16 of his having so exercised the same; or If two or more
17 persons go in disguise on the highway, or on the premises
18 of another, with intent to prevent or hinder his free exercise
19 or enjoyment of any right or privilege so secured -- They
20 shall be fined under this title or imprisoned not more
21 than ten years, or both...." (emphasis added).

22
23 Additionally, the provisions of the Act of Congress
24 evidenced at 18 U.S.C. §242, Deprivation of Rights Under
25 Color of Law, states:

26 "Whoever, under color of any law, statute, ordinance,
27 regulation, or custom, willfully subjects any person in
28

1 any State, Territory, Commonwealth, Possession, or District
2 to the deprivation of any rights, privileges, or immunities
3 secured or protected by the Constitution or Laws of the
4 United States, ... shall be fined under this title or
5 imprisoned not more than one year, or both; and if bodily
6 injury results from the acts committed in violation of
7 this section or if such acts include the use, attempted
8 use, or threatened use of a dangerous weapon, explosives,
9 or fire, shall be fined under this title or imprisoned
10 not more than ten years, or both; and if death results
11 from the acts committed in violation of this section or
12 if such acts include kidnapping [unlawful imprisonment
13 pursuant to 18 U.S.C. §1201] or an attempt to kidnap, ...
14 shall be fined under this title, or imprisoned for any
15 term of years or for life, or both, or may be sentenced
16 to death." (emphasis added).

17
18 The Acts of Congress evidenced at 42 U.S.C. §1983,
19 42 U.S.C. §1985, 18 U.S.C. §241 and 18 U.S.C. §242, establish
20 that any person (in his or her private and individual capacity)
21 can be held either to civil liability or criminal liability
22 for violating any right protected by the Constitution and
23 the Laws of the United States.

24 The Act of Congress as exemplified by 42 U.S.C. §1983,
25 does not read: "Every Officer, Agent, or Employee of the
26 Federal Government of the United States, or Officer, Agent,
27 or Employee of any government of the several states of
28

1 the Union, acting within the scope of said Officer's, Agent's,
2 or Employee's office or employment with either the government
3 of the United States or the government of any of the several
4 states of the Union, under the lawful authority of any
5 statute, ordinance, regulation, custom, or usage..."
6

7 For the Federal Civil Rights Act of 1870 and 1871
8 to have applied to Officers, Agents, and Employees of the
9 Government in their official capacity(ies), in keeping
10 with the limits and/or limitations to legislative authority
11 imposed on the Federal Legislative Department at Article
12 I, Section 8, Clause 18 of the Constitution, it would require
13 the existence of a vested Constitutional power before any
14 legislation would be enacted in order to carry such powers
15 into execution. Therefore, there would had to have been
16 a Constitutional power vesting the Departments of the
17 Government of the United States and their Officers, Agents,
18 and Employees with the authority to violate the protected
19 rights of the people under the authority of Federal or
20 state law: There has never been any such authority.

21 Since the Government of the United States as well
22 as the governments of the several states of the Union are
23 Constitutional Republics, the Constitutional limits imposed
24 on both the entities of the Government of the United States
25 and the governments of the several states of the Union
26 from making or enforcing any law which would abridge the
27 immunities of the people [which Congress has determined
28

1 to be any right protected by the Constitution and Laws
2 of the United States pursuant to the Fourteenth Amendment],
3 these Constitutional limits make it a legal impossibility
4 for the Government of the United States or the governments
5 of the several states of the Union, as well as any Officer,
6 Agent, or Employee of either the Government of the United
7 States or the governments of the several states of the
8 Union, while acting in their official capacity(ies) within
9 the scope of their respective office or employment with
10 the Government, to violate any right protected by the
11 Constitution and the Laws of the United States.

12
13 Instead, the provisions of the Acts of Congress evidenced
14 at 42 U.S.C. §1983 and 42 U.S.C. §1985, establish that
15 only persons [one, two, or more], acting in their individual
16 and private capacity(ies), who subject anyone to violations
17 of any right(s) protected by the Constitution of the United
18 States, are liable to the injured party for the recovery
19 of damages.

20 The Act of Congress evidenced at 42 U.S.C. §1983,
21 establishes the act of violating any right protected by
22 the Constitution and Laws of the United States, is an act
23 "under color of any statute, ordinance, regulation, custom, or
24 usage, of any State or Territory or the District of Columbia..."

25 Congress qualifies the act to be under color of law.
26 Congress did not say under any statute, but under color
27

1 of any statute. The use of "color of law" is quite
2 significant.

3
4 Using Black's Law Dictionary to assist in understanding
5 the intent of the term "color of statute (law)," it will
6 become clear as to the actual intent of Congress.

7 Black's Law Dictionary, Tenth Edition (2014), Page
8 322, Color of Law (17c) is defined as: "The appearance
9 or semblance, without the substance, of a legal right.
10 The term usually implies a misuse of power made possible
11 because the wrongdoer is clothed with the authority of
12 the state. State action is synonymous with color of [state]
13 law in the context of federal civil-rights statutes or
14 criminal law. See: State Actions."

15
16 Since the Constitution prohibits both the Federal
17 Government and state governments from making or enforcing
18 any law abridging the protected rights of the people, Congress
19 recognized that from time to time, Officers, Agents and
20 Employees would violate the protected rights of the people
21 by the unconstitutional application and enforcement of
22 the laws, statutes, ordinances, regulations, custom, or
23 usage; and in doing so, these violators would be acting
24 within the scope of their individual and private capacity(ies)
25 under the color (pretense) of law, not under the authority
26 of law; thus making the provisions of the Act of Congress
27 evidenced at 42 U.S.C. §1983 applicable to every person,

1 not every government officer, agent, or employee.

2
3 As the Constitution prohibits the Federal Government
4 and state governments from making or enforcing any laws
5 violating any right protected by the Constitution and Laws
6 of the United States, neither the Government of the United
7 States, nor the government of the several states of the
8 Union, nor any political subdivision can be construed to
9 be a "person" within the context of the Act of Congress
10 evidenced at 42 U.S.C. §1983, 42 U.S.C. §1985, or 42 U.S.C.
11 §1986, as no government entity or political subdivision
12 can act under color of law, or conspire with others to
13 act under color of law in order to violate the protected
14 rights of the people.

15 As legal entities established by legal documents,
16 governments cannot independently get up from the paper
17 that creates their existence and act under the pretense
18 of Constitutional authority or color of Constitutional
19 Law and violate the protected rights of anyone. Only living
20 persons can violate the protected rights of other living
21 persons under the pretense of legal authority, and only
22 within their respective individual and private capacity(ies).
23

24 The provisions of the Constitution at Article I, Section
25 8, Clause 17 and Clause 18, as well as the Tenth Amendment,
26 limit the legislative authority of the Federal Government
27 to either the implementing or the rescinding of powers
28

1 vested by the Constitution of the United States in the
2 Government of the United States, and limit the territorial
3 application and enforcement of the Acts of Congress to
4 the seat of the Federal Government, the Federal Territories,
5 the Insular Possessions, the Federal Commonwealths, and
6 the Federal Enclaves located in the several states of the
7 Union. It must be noted that the Constitutional power
8 vested at Article I, Section 8, Clause 17, establishing
9 Federal Enclaves in the several states of the Union, was
10 not carried into execution until 1940 by and through the
11 Act of Congress evidenced at 40 U.S.C. §3112. Prior to
12 1940, the power to establish Federal Enclaves in the several
13 states of the Union, subject to Federal, Territorial,
14 Legislative and Judicial Jurisdiction was dormant, and
15 therefore no Federal Territorial Jurisdiction existed within
16 the borders of the several states of the Union prior to
17 1940.

18
19 The provisions of the Act of Congress evidenced at
20 42 U.S.C. §1983, which state in part: "Every person who,
21 under color of any statute, ordinance, regulation, custom,
22 or usage, of any State or Territory or the District of
23 Columbia ..."; and in the Act of Congress evidenced at
24 18 U.S.C. §242, which states in part: "Whoever, under color of
25 any law, statute, ordinance, regulation, or custom, willfully
26 subjects any person in any State, Territory, Commonwealth,
27 Possession, or District ..."; establish the legislative

1 intent as to the territorial application of the provisions
2 of the Federal Civil Rights Act in order to redress the
3 act of civil and criminal misconduct of subjecting any
4 party to the violation of rights, privileges, and immunities
5 secured or protected by the Constitution or the Laws of
6 the United States.

7
8 The issue of committing acts under color of law must
9 be noted, since Congress firmly established the civil and
10 criminal act of misconduct in this context under pretense
11 of legal authority, not under actual authority of any law.

12 As evidenced by both 42 U.S.C. §1983 and 18 U.S.C.
13 §242, Congress includes the term "State" with the word
14 "State" styled with a capital "S", along with the terms:
15 "Territory" and "District of Columbia" in 42 U.S.C. §1983,
16 clearly identifying territorial locations exclusively subject
17 to Federal Territorial and Legislative Jurisdiction. In
18 18 U.S.C. §242, Congress included the terms: "Territory,"
19 "Commonwealth," "Possession" or "District" along with the
20 term "State," once again clearly identifying territorial
21 locations exclusively subject to Federal Territorial and
22 Legislative Jurisdiction.

23
24 It should be unequivocally clear that by enacting
25 the Acts evidenced at 42 U.S.C. §1983 and 18 U.S.C. §242,
26 Congress complied with the territorial limits imposed by
27 the Constitution of the United States at Article I, Section
28

1 8, Clauses 17 and 18, as well as the Tenth Amendment, as
2 implemented in 1940 by the Act of Congress evidenced at
3 40 U.S.C. §3112, on the legislative authority of the Federal
4 Government, limiting the legislative territorial jurisdiction
5 to the Federal Seat of Government: The District of Columbia;
6 the Federal Territories, the Federal Commonwealths, the
7 Federal Insular Possessions, and the Federal District which
8 are comprised of Federal Enclaves when located in the several
9 states of the Union; by using the terms: "Territory" and
10 "District of Columbia" in the Act of Congress evidenced
11 at 42 U.S.C. §1983; and by using the terms: "Territory,"
12 "Commonwealth," "Possession," or "District" in the Act
13 of Congress evidenced at 18 U.S.C. §242.

14
15 The question now to be addressed is whether Congress,
16 by including the term "State" styled with a capital "S",
17 intended to expand the legislative territorial jurisdiction of
18 the Federal Government into the several states of the Union
19 with regard to the provisions of the Federal Civil Rights
20 Acts evidenced at 42 U.S.C. §1983, 42 U.S.C. §1985, 42
21 U.S.C. §1986, 18 U.S.C. §241 and 18 U.S.C. §242; all in
22 direct violation of the express limits to Federal Territorial
23 Legislative Jurisdiction imposed by Article I, Section
24 8, Clauses 17 and 18, as well as the Tenth Amendment.

25 In order to resolve the question as to whether by
26 including the term: "Staté" styled with a capital "S" in
27 the Federal Civil Rights Act evidenced at 42 U.S.C. §1983
28

1 and 18 U.S.C. §242, Congress intended the Federal Civil
2 Rights Act to be applied within the territorial jurisdiction
3 of the several states of the Union. The legislative
4 definitions established by Acts of Congress with regard
5 to the term "State" that have been styled with a capital
6 "S" must be addressed in order to determine the scope and
7 extent of the intended Territorial Legislative Jurisdiction
8 when the term: "State" styled with a capital "S" is applied
9 within the context of Federal Legislation.

10
11 In order for Congress to have made the provisions
12 of the Acts evidenced at 42 U.S.C. §1983, 42 U.S.C. §1985,
13 42 U.S.C. §1986, 18 U.S.C. §241 and 18 U.S.C. §242 applicable
14 to officers, agents and employees of a state of the Union,
15 who while acting in their individual and private capacity(ies),
16 conspired under color of the laws of the state of the Union
17 to violate the protected rights of an inhabitant of the
18 same state, there first must be Constitutional authority
19 vested in the Judicial Department to consider controversies
20 between citizens of the same state. If that were so, then
21 Congress would have been required, pursuant to Article
22 I, Section 8, Clause 18, to enact the required legislation
23 to implement such judicial power.

24 Article III, Section 2, Clause 1, Subjects of Jurisdiction,
25 establishes the subjects of jurisdiction of the courts
26 of the United States, as follows:
27
28

1 "The judicial Power shall extend to all Cases, in Law
2 and Equity, arising under this Constitution, the Laws of
3 the United States, and Treaties made, or which shall be
4 made, under their Authority; -- to all Cases affecting
5 Ambassadors, other public Ministers and Consuls; -- to
6 all Cases of admiralty and maritime Jurisdiction; -- to
7 Controversies to which the United States shall be a Party;
8 -- to Controversies between two or more States; -- between
9 a State and Citizens of another State; -- between Citizens
10 of different States, -- between Citizens of the same State
11 claiming Lands under Grants of different States, and between
12 a State, or the Citizens thereof, and foreign States, Citizens
13 or Subjects."

14
15 It further needs to be noted that within the context
16 of the Constitution, the term: "State" is styled with a
17 capital "S". Pursuant to the context in which the term
18 "State" is used in the Constitution, and the fact that
19 the Federal Government is identified by the style of process:
20 "United States," and foreign nations are identified by
21 the term: "foreign state," the term: "State" styled with
22 a capital "S" in the Constitutional context means exclusively
23 one of the states of the Union.

24 As evidenced by Article III, Section 2, Clause 1,
25 the Judicial Power of the United States does not extend
26 to cases or controversies between citizens or inhabitants
27 of the same state of the Union, except exclusively for
28

1 the limited controversies involving land claims under Grants
2 of different states. Therefore, it is a legal impossibility
3 for the provisions of the Acts of Congress evidenced at
4 42 U.S.C. §1983, 42 U.S.C. §1985, 42 U.S.C. §1986, 18 U.S.C.
5 §241 and 18 U.S.C. §242 to apply to officers, agents, and
6 employees of the several states of the Union, who, while
7 acting in their individual capacity(ies), conspire under
8 color of the laws of a state of the Union to violate the
9 protected rights of an inhabitant of the same state; as
10 there exists no Constitutional authority for the Federal
11 Judicial Department to take jurisdiction of a case or
12 controversy between citizens/inhabitants of the same state.
13

14 For further clarification of the general Congressional
15 intent for the meaning of the term: "State" styled with
16 a capital "S" in the context of the Acts of Congress, by
17 the Act evidenced at 4 U.S.C. §110(d), "The term "State"
18 includes any Territory or possession of the United States."
19 Congress limited the meaning of the term: "State" styled
20 with a capital "S" to only Federal Territories or Possessions,
21 both subject to the Territorial and Legislative Jurisdiction
22 of the Federal Government of the United States.
23

24 By enacting legislation to carry into execution the
25 powers vested in the Judicial Department at Article III,
26 Section 2, Clause 1, Subjects of Jurisdiction, Congress,
27 pursuant to the Act evidenced at 28 U.S.C. §1331, Federal
28 Question, carried into execution of Constitutional Judicial

1 Power by stating: "The Judicial Power shall extend to all
2 Cases, in Law and Equity, arising under this Constitution,
3 the Laws of the United States, and Treaties made, or which
4 shall be made..." Congress clearly carried out its authority
5 and power vested by Article I, Section 8, Clause 18, by
6 and through the Act of Congress evidenced at 28 U.S.C.
7 §1331, which states: "The district courts shall have original
8 jurisdiction of all civil actions arising under the
9 Constitution, laws, or treaties of the United States,"
10 as the Supreme Law of the Land, in keeping with Article
11 VI, Clause 2, Supreme Law.

12
13 The Act of Congress evidenced at 28 U.S.C. §1332,
14 Diversity of Citizenship; Amount in Controversy; Costs,
15 is where Congress carried into execution the Constitutional
16 Judicial Powers vested at Article III, Section 2, Clause 1,
17 Subjects of Jurisdiction, cited hereinabove, supra. The
18 provisions of the Eleventh Amendment, Suits Against States
19 -- Restriction of Judicial Power, terminated the Judicial
20 power in cases "commenced or prosecuted against one of
21 the United States by Citizens of another State, or by Citizens
22 or Subjects of any Foreign State." After the ratification
23 of the Eleventh Amendment, the Federal Judicial Department
24 no longer had Constitutional authority of any suit in law
25 or equity filed by a Citizen of another State, or Citizens
26 or Subjects of any Foreign State, against one of the several
27 states of the Union.

1 That aside, by the Act of Congress evidenced at 28
2 U.S.C. §1332, Congress carried into execution those judicial
3 powers vested by Article III, Section 2, Clause 1, as required
4 by the provisions of Article I, Section 8, Clause 18.

5
6 The provisions of the Act of Congress evidenced at
7 28 U.S.C. §1332(e), clearly established the general
8 Congressional intent for the meaning of the term: "State"
9 styled with a capital "S" in the context of the acts carrying
10 the Judicial Power and Jurisdiction of the United States
11 into execution. 28 U.S.C. §1332(e) defines the term: "State"
12 styled with a capital "S" as follows:

13 "(e) The word "States," as used in this section,
14 includes the Territories, the District of Columbia, and
15 the Commonwealth of Puerto Rico."

16
17 All locations within the Territorial Legislative
18 Jurisdiction of the Federal Government of the United States,
19 when reviewing the Act of Congress evidenced at 28 U.S.C.
20 §1332, must be read with the statutory meaning of the word
21 "State" styled with a capital "S" as defined within 28
22 U.S.C. §1332(e).

23 28 U.S.C. §1332(a) then must be understood as follows
24 [with explanations in brackets added]:

25
26 "(a) The district courts shall have original jurisdiction
27 of all civil actions where the matter in controversy exceeds
28

1 the sum or value of \$75,000, exclusive of interest and
2 costs, and is between --

3
4 (1) Citizens of different States; ["State" meaning:
5 Federal Territories, the District of Columbia, and the
6 Commonwealth of Puerto Rico, §1332(e)].

7 (2) Citizens of a State and citizens or subjects
8 of a foreign state, except that the district courts shall
9 not have original jurisdiction under this subsection of
10 an action between citizens of a State and citizens or subjects
11 of a foreign state who are lawfully admitted for permanent
12 residence in the United States and are domiciled in the
13 same State; ["State" meaning: Federal Territories, the
14 District of Columbia, and the Commonwealth of Puerto Rico,
15 §1332(e)]. Note: If both the citizen of a State and a
16 citizen of a foreign state are both domiciled in the same
17 State: [i.e., a Federal Territory, the District of Columbia,
18 or the Commonwealth of Puerto Rico, then the District Court
19 has no jurisdiction].

20
21 (3) Citizens of different States and in which citizens
22 or subjects of a foreign state are additional parties;
23 ["State" meaning: Federal Territories, the District of
24 Columbia, and the Commonwealth of Puerto Rico, §1332(e)],
25 and:

26 (4) A foreign state, defined in section 1603(a) of
27 this title [28 U.S.C. §1603(a), Definitions], as plaintiff
28

1 and citizens of a State or of different States. ["State"
2 meaning: Federal Territories, the District of Columbia,
3 and the Commonwealth of Puerto Rico §1332(3)]."

4
5 Congress further established its intent for the meaning
6 of the term: "State" when styled with a capital "S" in
7 the Act of Congress evidenced at 28 U.S.C. §1343, Civil
8 Rights and Elective Franchise, establishing the district
9 courts' jurisdiction of suits brought under the provisions
10 of the Acts evidenced at 42 U.S.C. §1983, 42 U.S.C. §1985,
11 and 42 U.S.C. §1986.

12 28 U.S.C. §1343(b) provides that:

13
14 "(b) For purposes of this section --

15 (1) The District of Columbia shall be considered
16 to be a State; and:

17
18 (2) Any Act of Congress applicable exclusively to
19 the District of Columbia shall be considered to be a statute
20 of the District of Columbia."

21 When Congress uses the term: "state" styled with a
22 lower case "s", Congress, by and through legislation, as
23 evidenced at 22 U.S.C. §456(e) defines the term: "state"
24 as follows:

25
26 "(e) The term "state" shall include nation, government,
27 and country."

1 Furthermore, at 22 U.S.C. §8541(13), State Sponsor
2 of Terrorism, "The term "state sponsor of terrorism" means
3 any country..."

4
5 In the context of the United States Constitution,
6 the term: "State" styled with a capital "S" is intended
7 by the Founders to refer to one of the Constitutional Republics
8 that comprise the Union.

9 However, in the context of the Acts of Congress as
10 evidenced by the Act at 4 U.S.C. §110(d), 28 U.S.C. §1332(e),
11 and 28 U.S.C. §1343(b), the term: "State" styled with a
12 capital "S" is intended by Congress to refer to a Federal
13 Territory, Federal Possession, the District of Columbia,
14 or the Commonwealth of Puerto Rico; all within the Territorial
15 and Legislative Jurisdiction of the United States.

16
17 In the context of the Acts of Congress as evidenced
18 at 22 U.S.C. §456(e) and 22 U.S.C. §8541(13), the term:
19 "state" when styled with a lower case "s" is intended to
20 refer to foreign nations, countries, or governments foreign to
21 the Federal Government.

22 For the provisions of the Act of Congress evidenced
23 at 28 U.S.C. §1332(a) to apply to the inhabitants of the
24 several states of the Union, the several states of the
25 Union are referred to as foreign states.

26
27 Taking into account the limitations imposed by the

1 provisions of Article I, Section 8, Clauses 17 and 18,
2 and the Tenth Amendment, as well as the provisions of the
3 Act of Congress evidenced at 40 U.S.C. §3112, for Congress
4 to include the term: "State" styled with a capital "S"
5 within the provisions of the Acts evidenced at 42 U.S.C.
6 §1983, et. seq., and 18 U.S.C. §241 and §242, the term:
7 "State" as used in that context requires the existence
8 of exclusive Federal Territorial Legislative Jurisdiction;
9 and since the Federal Congress possesses absolutely no
10 Constitutional authority to subject any of the several
11 states of the Union, with the exception of Federal Enclaves,
12 to any Federal Law, Statute, Regulation, Ordinance or Custom,
13 the term: "State" when used by Congress in the context
14 of the Acts evidenced at 42 U.S.C. §1983, et. seq., and
15 18 U.S.C. §241 and §242, is therefore limited to only the
16 Seat of Federal Government, which is currently the District
17 of Columbia; as well as the Federal Territories, the Federal
18 Commonwealths, the Federal Possessions, and Federal Enclaves.

19
20 It must be further noted that at the time that the
21 Federal Civil Rights Act was enacted in 1871, evidenced
22 at 42 U.S.C. §1981, §1982, §1983, §1985 and §1986; most
23 of the land situated west of the Mississippi River was
24 in fact Federal Territory that at that time was subject
25 to the exclusive Territorial Legislative Jurisdiction of
26 the Federal Government of the United States.

27 The provisions of the Acts of Congress evidenced at
28

1 42 U.S.C. §1983 and 42 U.S.C. §1985 are companion acts,
2 due to the fact that any person, while acting in his or
3 her private capacity, conspiring with other persons, [pursuant
4 to 42 U.S.C. §1985(3)] "in any State or Territory ... or
5 go in disguise on the highway or on the premises of another,
6 for the purpose of depriving, either directly or indirectly,
7 any person or class of persons of the equal protection
8 of the laws, or of equal privileges and immunities under
9 the laws ... in any case of conspiracy set forth in this
10 section, if one or more persons engaged therein do, or
11 cause to be done, any act in furtherance of the object
12 of such conspiracy, whereby another is injured in his person
13 or property, or deprived of having and exercising any right or
14 privilege of a citizen of the United States, the party
15 so injured may have an action for the recovery of damages,
16 occasioned by such injury or deprivation, against one or
17 more of the conspirators."

18
19 The Acts of Congress evidenced at 42 U.S.C. §1983
20 and 42 U.S.C. §1985 apply exclusively to Officers, Agents,
21 and Employees of the Federal Government of the United States,
22 who elect to enter the several states of the Union in their
23 respective individual and private capacity(ies), under
24 force of arms, outside of any Federal Enclave, and conspire
25 with others to enter the several states of the Union in
26 the disguise of color of Federal Law, Statute, Regulation,
27 Ordinance and Custom, emanating from the District of Columbia,
28

1 while acting under the color or pretense of Federal Authority.
2

3 Congress clearly never intended a Federal Law to be
4 applied and enforced against inhabitants of any state in
5 the inhabitants' individual and private capacity(ies).
6

7 The several states of the Union have their own civil
8 rights laws in order to address acts of civil and criminal
9 misconduct of state officers, agents, and employees, who
10 under color of the laws of the Constitutional Republics
11 [states] of the Union, conspire to violate the protected
12 rights of an inhabitant of the state.

13 The determinations of the courts in cases such as
14 Bivens v. Six Unknown Named Agents of Federal Bureau of
15 Narcotics, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d 619
16 (1971), and its recent progeny within Ziglar v. Abbasi,
17 101 Cr.L. 295, 315, 198 L.Ed.2d.290, 2017 U.S. LEXIS
18 3874, (June 19, 2017); and Hernandez v. Mesa, 137 S.Ct. 2003,
19 198 L.Ed. 625, 2017 U.S. LEXIS 4059 (6/26/2017), that somehow
20 the United States Congress has the Constitutional authority
21 to enact Federal Legislation exclusively applicable only
22 within the several states of the Union, but not applicable
23 to the Federal Government with regard to the Acts evidenced at
24 42 U.S.C. §1983, 42 U.S.C. §1985, and 42 U.S.C. §1986;
25 is totally contrary to the limits imposed by Article I,
26 Section 8, Clauses 17 and 18 as well as the Tenth Amendment
27 to the Constitution and the Act of Congress evidenced at
28

1 40 U.S.C. §3112.

2
3 The effect of such determinations has worked to create the
4 appearance that under and within the provisions of the
5 Acts evidenced at 42 U.S.C. §1983, §1985, and §1986, no
6 one whose rights were violated by a person who, while acting
7 under color of Federal Law, meaning under pretense of Federal
8 Law, can file a petition in Federal Court for damages and
9 other relief; and a person whose rights were violated by
10 a person who, while acting under color [pretense] of state
11 law, can file a petition in Federal Court for damages and
12 other relief. This is incorrect, because the Federal Courts
13 lack the Constitutional authority to take jurisdiction
14 of a case between inhabitants of the same state of the
15 Union, thereby leaving the injured party(ies) without any
16 remedy for redress for damages caused by violation of rights
17 under color [or pretense] of law.

18 The Judgments rendered in Bivens, and the Judgments
19 rendered in cases relying on Bivens, such as Ziglar and
20 Hernandez, [notwithstanding that in the latter two cases,
21 the plaintiffs sued the defendants in their official capacity],
22 are VOID and without legal force or effect, and stand as
23 Legal Nullities; since said Judgments have been rendered
24 in violation of the Constitution and Laws of the United
25 States.

26
27 The Bivens, Ziglar and Hernandez cases are vivid examples

1 of how Judges and Justices of the Federal Government of
2 the United States, have engaged in the activity of creating
3 implied, unwritten, self-executing, extraconstitutional
4 powers by Judicial Decree, in complete violation of Article
5 I, Section 8, Clauses 17 and 18 as well as the Tenth Amendment
6 and the Fourteenth Amendment, Section 5.

7
8 In the Bivens case and its progeny cited hereinabove,
9 the Supreme Court has acted, by and through Judicial Decree,
10 to usurp the Legislative Power of the Congress of the United
11 States, in order to nullify the provisions of the Acts
12 evidenced at 42 U.S.C. §1983, §1985, §1986, the Federal
13 Civil Rights Act of 1871, as well as the provisions of
14 the Fourteenth Amendment, in a clear attempt to protect
15 Federal Officers, Agents, and Employees, who, while acting
16 in their individual and private capacity(ies), disguised
17 under color of Federal Law, having conspired to enter the
18 several states of the Union in order to deprive the inhabitants
19 therein of inherent rights protected by the Constitution
20 and the Laws of the United States from civil liability;
21 thereby depriving those who have been damaged from the
22 right to redress, as protected by the First Amendment.

23 Those who rely on Bivens and its progeny, including
24 Ziglar and Hernandez, in order to claim immunity from civil
25 liability for conspiracy under color of Federal Law to
26 violate the protected rights of the inhabitants of the
27 several states of the Union as well as the District of
28

1 Columbia, the Federal Territories, the Federal Possessions,
2 the Federal Commonwealths and Federal Enclaves of the Federal
3 Government identified by Congress as [Federal] "States,"
4 do so at their own peril, as the provisions of the Acts
5 of Congress evidenced at 42 U.S.C. §1983, §1985, and §1986
6 in fact categorically and unquestionably apply to individuals,
7 who, while they may actually be employed by the Federal
8 Government, have acted in their individual and private
9 capacity(ies) unequivocally because they have acted in
10 disguise under color of Federal Law, and in doing so have
11 conspired to violate the rights of the inhabitants of the
12 several states of the Union, by entering the several states
13 of the Union under force of arms, outside of any Federal
14 Enclave, in order to subject the inhabitants to injury,
15 oppression, threats and intimidation, under the pretense
16 [color] of Federal Law, thereby converting the claim, exercise,
17 and enjoyment of inherent rights protected by the Constitution
18 and the Laws of the United States into the appearance of
19 a Federal Criminal Activity; subjecting the inhabitants
20 to malicious Federal Criminal Prosecution without either
21 authority or jurisdiction; and subjecting the inhabitants
22 to unlawful imprisonment.

23
24 Such persons, who conspire under color of Federal
25 Law, to violate the rights of the inhabitants of the several
26 states of the Union, are liable to the party injured for
27 damages and equitable relief in Federal Court pursuant
28

1 to the Acts of Congress evidenced at 42 U.S.C. §1983, §1985,
2 and §1986; as well as 28 U.S.C. §1331, §1332, and §1343.
3

4 DECLARATORY JUDGMENT DEMANDED [QUESTION 12]:

5 It is therefore Declared that the provisions of the
6 Federal Civil Rights Act of 1871, evidenced at 42 U.S.C.
7 §1983, 42 U.S.C. §1985, and 42 U.S.C. §1986, enforcing
8 the provisions of the Fourteenth Amendment, Section 1,
9 prohibit the Federal Government of the United States and
10 the governments of the several states of the Union, from
11 making or enforcing any law which shall abridge the privileges
12 or immunities of the citizens of the United States and/or
13 any other person(s) within the Territorial Jurisdiction
14 of the United States; thereby subjecting Officers, Agents
15 and Employees of the Federal Government, who, while acting
16 in their individual and private capacity(ies), causes or
17 subjects any party within the Territorial Jurisdiction
18 of the United States or elsewhere, to be subjected to
19 conspiracy under color of Federal Law, in order to violate
20 any of said party's rights, which are protected by the
21 Constitution and the Laws of the United States, as to
22 liability to the party so damaged, to a suit for money
23 damages [Tort], and other relief.

24 //

25 //

26 //

1 QUESTION 13:
2

3 Do the provisions of the Act of Congress evidenced at
4 42 U.S.C. §2000dd, establish that it is a violation of
5 rights protected by the Fifth, Eighth, and Fourteenth
6 Amendments to the Constitution, to subject any individual
7 who is in the custody or physical control of the United
8 States Government, regardless of nationality or physical
9 location, to cruel, inhuman, or degrading treatment of
10 punishments, subjecting the individuals who have been
11 violated to a cause of action for liability for money damages
12 and other relief under the provisions of the Federal Civil
13 Rights Act of 1871, evidenced at 42 U.S.C. §1983, 42 U.S.C.
14 §1985, 42 U.S.C. §1986, 28 U.S.C. §1331, 28 U.S.C. §1332,
15 and 28 U.S.C. §1343, against those Agents, Officers, and
16 Employees of the Federal Government, who engage in the
17 practice of subjecting individuals in the custody or the
18 physical control of the Federal Government of the United
19 States to violation(s) of rights protected by the Fifth
20 Amendment, the Eighth Amendment, and the Fourteenth Amendment
21 to the Constitution, by subjecting such individuals to
22 cruel, inhuman, or degrading treatment or punishment?

23 BASIS FOR DECLARATORY JUDGMENT DEMANDED FOR QUESTION 13:
24

25 The several states of the Union in Congress, pursuant
26 to Article I, Section 8, Clause 18, as evidenced by the
27 Act of Congress at 42 U.S.C. §2000dd, established that

1 regardless of how or why an individual is in the custody
2 of or under the physical control of the United States
3 Government, including but not limited to being subjected
4 to unlawful imprisonment under color of a VOID JUDGMENT
5 in a Criminal Case rendered by a United States District
6 Court Judge in violation of the Constitution of the United
7 States; and/or rendered without jurisdiction over the subject
8 matter; which includes but is not limited to rendering
9 a "Judgment in a Criminal Case" without proof on the record
10 that all locations relevant to a criminal case are within
11 a Federal Enclave located in the state where the United
12 States District Court is located; and/or a Judgment rendered
13 in violation of Due Process of Law; that it is a violation
14 of said party's rights not to be subjected to cruel, inhuman,
15 degrading treatment or punishment, protected by the Fifth,
16 Eighth, and Fourteenth Amendments to the Constitution of
17 the United States.

18
19 The provisions of the Act of Congress evidenced at
20 42 U.S.C. §2000dd, establishing that regardless of the
21 nationality of the individual in the custody or under the
22 physical control of the United States Government; it is
23 a violation of the Fifth, Eighth, and Fourteenth Amendment;
24 specifically and particularly to violate the requirement
25 of the Fourteenth Amendment, Section 1, that no State shall
26 "deprive any person of life, liberty or property, without
27 due process of law; nor deny to any person within its

1 jurisdiction the equal protection of the laws," making
2 it a violation of protected rights to deny anyone, regardless
3 of nationality, who is within the jurisdiction of the Federal
4 Government of the United States, the equal protection of
5 the law.

6
7 42 U.S.C. §2000dd further established that the statutory
8 meaning of "within its jurisdiction" [within the scope
9 of that specific statute §2000dd], is not limited to only
10 the District of Columbia, the Territories, Possessions,
11 Commonwealths or Enclaves of the Federal Government, but
12 includes any physical location anywhere in the world,
13 including but not limited to physical locations in any
14 of the several states of the Union, where an individual
15 is in the custody or under the physical control of individuals
16 who are acting under color of the authority of the Federal
17 Government of the United States.

18 The provisions of the Act of Congress evidenced at
19 42 U.S.C. §2000dd(d) clearly prevents any Officer, Agent,
20 or Employee of the Federal Government who subjects any
21 individual in their custody or physical control when they
22 are acting under color of the authority of the Federal
23 Government of the United States to "cruel, unusual, and
24 inhumane treatment or punishment" as a violation of rights
25 "prohibited by the Fifth, Eighth, and Fourteenth Amendments
26 to the Constitution of the United States..."
27

1 42 U.S.C. §2000dd has unequivocally established a
2 cause of action for the recovery of damages for violation(s)
3 of any right(s) protected by the Constitution and the Laws
4 of the United States, of the individual injured by the
5 cruel, inhumane, or degrading treatment or punishment endured
6 or suffered, pursuant to the Federal Civil Rights Act of
7 1871, evidenced at 42 U.S.C. §1983, §1985, and §1986.
8

9 While acting under color of their authority of the
10 Federal Government of the United States; Officers, Agents,
11 and Employees who subject individuals in their custody
12 or physical control to cruel, inhumane, or degrading treatment
13 or punishment are liable and subject to lawsuit under 42
14 U.S.C. §1983, §1985, and/or §1986, when the cause of action
15 under 42 U.S.C. §2000dd for the recovery of damages includes
16 but is not limited to the following:

17 (a) Unlawful imprisonment and/or confinement under
18 color of "VOID JUDGMENTS," identified by the Act of Congress
19 evidenced at 18 U.S.C. §1201, Kidnapping;
20

21 (b) While housed in Federal Prison Facilities either
22 owned or controlled by the United States Department of
23 Justice by and through the Federal Bureau of Prisons;
24 subjecting individuals to: . . .

25 (i) Willful exposure to deadly contaminants,
26 including but not limited to: (1) Toxic Black Mold;
27 (2) Staphylococcus Aureus; (3) Senotrophomonas Maltophilia;
28

1 (4) H-Pylori; (4) AIDS; (5) MRSA; (6) Hepatitis-C, and
2 other contaminants, knowing that such exposure results
3 in permanent medical-related injury, including but not
4 limited to: (1) Respiratory Symptoms; (2) Circulatory Symptoms;
5 (3) Mental and Neurological Symptoms; (4) Vision and Eye
6 Problems; (5) Skin Problems; (6) Immune System Problems;
7 (7) Reproductive System Problems; (8) Chronic Fatigue,
8 Tiredness and Discomfort; and (9) Other Illnesses and Health
9 Effect; including (10) Death;

10
11 (ii) Willful denial of appropriate medical staff at
12 Federal Prison Facilities, and the denial of minimal, adequate
13 medical care;

14 (iii) Physical and emotional abuse by Correctional
15 Officers and Staff operating Federal Prison Facilities;
16 specifically and particularly directed at disabled individuals,
17 including those in wheelchairs, those requiring walkers,
18 and those requiring canes; as well as those with artificial
19 limbs;

20
21 (iv) Segregated confinement; and while housed
22 in Administrative Detention or Disciplinary Segregation
23 known as the "Special Housing Unit," being subjected to
24 abusive, inhumane, insect-infested and unsanitary conditions;

25 (v) Retaliation for claiming and exercising
26 the protected right to Petition for Redress, using Agency
27 Administrative Remedy Procedures or otherwise, in violation
28

1 of the Act of Congress evidenced at 42 U.S.C. §1997d,
2 Prohibition of Retaliation, which states: "No person reporting
3 conditions which may constitute a violation of this Act
4 shall be subjected to retaliation in any manner for so
5 reporting." Acts of retaliation include but are not limited
6 to: (1) Physical Assault; (2) Solitary Confinement; (3)
7 Being subjected to constant transfer from one facility
8 to another, [commonly referred to as "diesel therapy"];
9 (4) restriction of communications with family, friends,
10 and/or legal counsel; (5) interfering with access to the
11 Court(s) in order to petition for redress, and other
12 retaliatory act(s) against the Complainant/Plaintiff/
13 Petitioner; and:

14
15 (vi) Those acts identified in the United States
16 Reservations, Declarations, and Understandings to the United
17 Nations Convention Against Torture and Other Forms of Cruel,
18 Inhumane, or Degrading Treatment or Punishment of December
19 10, 1984 [See: 42 U.S.C. §2000dd(d)].

20 That all rights protected under the Fifth Amendment,
21 the Eighth Amendment, and the Fourteenth Amendment of the
22 Constitution of the United States that have been violated
23 against individuals under 42 U.S.C. §1983, §1985, and/or
24 §1986.

25
26 //

27
28 //

1 DECLARATORY JUDGMENT DEMANDED [QUESTION 13]:
2

3 It is therefore Declared that the provisions of the
4 Act evidenced at 42 U.S.C. §2000dd, establish that it is
5 a right not to be subjected to cruel, inhumane, and degrading
6 treatment or punishment, and that this right is protected
7 by the Fifth Amendment, the Eighth Amendment, and the
8 Fourteenth Amendment to the Constitution of the United
9 States, not to subject any individual in the custody or
10 physical control of the United States Government, regardless
11 of nationality or physical location, to cruel, inhumane,
12 or degrading treatment or punishment; thereby subjecting
13 those Officers, Agents, and Employees of the Federal
14 Government of the United States who engage in the practice
15 of subjecting individuals in the custody or physical control
16 of the Government of the United States to a lawsuit for
17 violation of rights under the Fifth Amendment, the Eighth
18 Amendment, and the Fourteenth Amendment to the United States
19 Constitution, for having subjected any such individuals
20 to cruel, inhumane, or degrading treatment or punishment;
21 for liability under the provisions of the Federal Civil
22 Rights Act of 1871, evidenced at 42 U.S.C. §1983, 42 U.S.C.
23 §1985, and/or 42 U.S.C. §1986; and under 28 U.S.C. §1331,
24 28 U.S.C. §1332, and 28 U.S.C. §1343.

25 //

26 //

27 //

1 QUESTION 14:
2

3 Do the provisions of the Federal Civil Rights Act of 1871,
4 evidenced at 42 U.S.C. §1986, establish that any person,
5 who, having knowledge that the wrongs conspired to be done,
6 and mentioned in the Act of Congress evidenced at 42 U.S.C.
7 §1985 are about to be committed; including but not limited
8 to the act(s) of two or more persons, who disguise themselves
9 with Federal Law and Office, and thereby conspire to enter
10 any of the several states of the Union outside Federal
11 Enclaves, for the purpose of depriving any person or class
12 of persons of any right protected by the Constitution and
13 the Laws of the United States, either directly or indirectly;
14 and having the power to prevent or aid in preventing the
15 commission of said act(s) of conspiracy under color of
16 law, nevertheless neglects or refuses to take action in
17 order to prevent or aid in preventing the commission of
18 the act(s) of depriving a person or persons of any right
19 protected by the Constitution and the Laws of the United
20 States, is personally liable in his or her individual and
21 private capacity for money damages and other relief to
22 the party injured?

23 BASIS FOR DECLARATORY JUDGMENT DEMANDED FOR QUESTION 14:
24

25 As required by the provisions of the Constitution
26 at Article I, Section 8, Clause 18; and the Fourteenth
27 Amendment, Section 5, Congress, by and through legislation
28

1 as evidenced at 42 U.S.C. §1986, established further
2 enforcement of the Fourteenth Amendment's protection of
3 all rights enacted by the Constitution of the United States,
4 by making those who, while having knowledge of two or more
5 persons who have disguised themselves with and under the
6 color [pretense] of Federal Law and Office, and have entered
7 any one or more of the several states of the Union under
8 force of arms, outside any Federal Enclave, conspiring
9 under color of Federal Law to subject the inhabitants of
10 the several states of the Union to the application and
11 enforcement of Federal Law; and actually subjects any
12 inhabitant of any one or more of the several states of
13 the Union to violation under color of Federal Law of any
14 right protected by the Constitution and the Laws of the
15 United States, is thereby liable for the damages caused
16 to the injured party by those who have conspired under
17 color of Federal Law to violate the injured party's [or
18 parties'] rights..

19 The provisions of the Act of Congress evidenced at
20 42 U.S.C. §1986, Action For Neglect To Prevent Conspiracy,
21 provides:
22

23 "Every person who, having knowledge that any of the
24 wrongs conspired to be done, and mentioned in the preceding
25 section [42 U.S.C. §1985], are about to be committed, and
26 having power to prevent or aid in preventing the commission
27 of the same, neglects or refused to do so, if such wrongful
28

1 act be committed, shall be liable to the party injured,
2 or his legal representatives, for all damages caused by
3 such wrongful act, which such person by reasonable diligence
4 could have prevented; and such damages may be recovered
5 in an action on the case; and any number of persons guilty
6 of such wrongful neglect or refusal may be joined as defendants
7 in the action, and if the death of any party be caused
8 by any such wrongful act and neglect, the legal representatives
9 of the deceased shall have such action therefor, and may
10 recover not exceeding five thousand dollars damages therein,
11 for the benefit of the widow of the deceased, if there
12 be one, and if there be no widow, then for the benefit
13 of the next of kin of the deceased. But no action under
14 the provisions of this section shall be sustained which
15 is not commenced within one year after the cause of action
16 has accrued."

17
18 Individuals who, while acting in an official capacity
19 which would include but not be limited to Federal District
20 Court Judges, Circuit Court Judges, and the United States
21 Attorney General, who would have had knowledge of two or
22 more persons who have disguised themselves with and under
23 color of Federal Law and Office, such as the Office of
24 the United States Attorney; and entered any one or more
25 of the several states of the Union, under force of arms,
26 outside any Federal Enclave, thereby conspiring under color
27 of Federal Law, to subject the inhabitants of the several

1 states of the Union to the deprivation of rights protected
2 by the Constitution of the United States of said inhabitants,
3 including, but not limited to, depriving an inhabitant
4 of a state of the Union of liberty, property, and life.

5
6 Those who hold the position as United States District
7 Court Judge of a District Court located in any one of the
8 several states of the Union; and the position of the Office of
9 the United States Attorney General, who have, by oath or
10 affirmation, agreed to uphold the Supreme Law of the Land,
11 are presumed to know the law, and would therefore have
12 knowledge when two or more persons disguise themselves
13 with and under color of Federal Law and the Office of the
14 United States Attorney, who have entered any sovereign
15 state of the Union, under force of arms, outside any Federal
16 Enclave, and have conspired under color of Federal Law
17 to subject the inhabitants of the several states of the
18 Union to the deprivation of rights protected by the
19 Constitution and the Laws of the United States, including
20 but not limited to depriving inhabitants of liberty, property
21 and life; and while in the Official Capacity as United
22 States District Court Judge and/or United States Attorney
23 General, have or have had the lawful authority to prevent
24 the deprivation of rights under color of law by those who
25 have disguised themselves under color of Federal Law and
26 Office, by refusing, as Attorney General, to allow a Federal
27 Criminal Case to be filed; and by the United States District
28

1 Court Judge refusing to accept jurisdiction of any criminal
2 case, when there is no evidence that all locations relevant
3 to the Federal Criminal Case are within Federal Enclaves.
4

5 Should those who hold Office as a United States District
6 Judge of a District Court located in one of the several
7 states of the Union, or the Office of the United States
8 Attorney General, neglects or fails to prevent or aid in
9 preventing those who disguise themselves under color of
10 Federal Law from entering any sovereign state of the Union
11 under force of arms, and said persons in fact enter a sovereign
12 state of the Union outside any Federal Enclave, and subjecting
13 any inhabitant of the state to injury, oppression, threats,
14 intimidation, malicious criminal prosecution, and unlawful
15 imprisonment, under color of Federal Law without any lawful
16 jurisdiction, pursuant to the Act of Congress evidenced
17 at 42 U.S.C. §1986; said United States District Court Judge
18 and/or United States Attorney General, then deemed persons,
19 who are acting in his/her/their private capacity(ies), and
20 are subject to the injured inhabitant of the sovereign state
21 for all damages caused by those persons who disguised
22 themselves under color of Federal Law and who entered the
23 sovereign state of the Union under force of arms outside
24 Federal Enclaves, and violated the inhabitant of rights
25 protected by the Constitution and the Laws of the United
26 States.

27 The damages caused those state inhabitants being
28

1 subjected to unlawful imprisonment, incurring ongoing injury,
2 results in a renewal of the one year limitations period
3 established by the Act evidenced at 42 U.S.C. §1986, for
4 each day that the state inhabitant is continued to be
5 subjected to unlawful imprisonment.

6
7 Every inhabitant of any of the several states of the
8 Union, who has and/or continues to suffer damages in the
9 nature of unlawful imprisonment, as a proximate or direct
10 result of the neglect or refusal of those who hold Office
11 as United States District Court Judge and/or United States
12 Attorney General, preventing or aiding in preventing those
13 disguising themselves under color of law from entering
14 the sovereign states of the Union, under force of arms;
15 thereby subjecting the inhabitant(s) to injury, oppression,
16 threats, intimidation, malicious prosecution; are also
17 entitled to relief under the Federal Civil Rights Act of
18 1871, evidenced at 42 U.S.C. §1983, §1985, and §1986.

19 DECLARATORY JUDGMENT DEMANDED [QUESTION 14]:

20
21 It is therefore Declared that the provisions of the
22 Federal Civil Rights Act, evidenced at 42 U.S.C. §1986,
23 established that any person, including but not limited
24 to United States District Court Judges of a District Court
25 located in a sovereign state of the Union; and the United
26 States Attorney General, who, having knowledge that the
27 wrongs conspired to be done, and mentioned in the Act of
28

1 Congress evidenced at 42 U.S.C. §1985 are about to be
2 committed; including but not limited to the act(s) of two
3 or more persons who disguise themselves with Federal Law
4 and Office, and thereby conspire to enter any of the several
5 states of the Union outside Federal Enclaves, for the purpose
6 of depriving any person or class of persons of any right
7 protected by the Constitution and the Laws of the United
8 States, either directly or indirectly; and while having
9 the power to prevent or aid in preventing the commission
10 of said act(s) of conspiracy under color of law; and
11 nevertheless neglects or refuses to take action in order
12 to prevent or aid in preventing the commission of those
13 act(s) which deprive a person or persons of any rights
14 protected by the Constitution and the Laws of the United
15 States, is personally liable in his or her individual and
16 private capacity for money damages and other relief to
17 the party injured.

18 QUESTION 15:
19

20 Is a Tort Action for recovery of damages and other
21 relief under the Civil Rights Act of 1871, evidenced at
22 42 U.S.C. §1983, §1985, and §1986, subject to any statute
23 of limitations for commencement of such an action in a
24 court of the United States?

25 //
26

27 //
28

BASIS FOR DECLARATORY JUDGMENT DEMANDED FOR QUESTION 15:

The several states of the Union in Congress, by the Act evidenced at 28 U.S.C. §2401(a), Time For Commencing Action Against the United States, provides that: " ... every civil action commenced against the United States [Federal Government] shall be barred unless the complaint is filed within six years after the right of action first accrues ..." (emphasis added).

28 U.S.C. §2401(b) provides: " a [A] tort claim against the United States shall be forever barred unless it is presented in writing to the appropriate Federal agency within two years after such claim accrues or unless action is begun within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented."

The Act of Congress evidenced at 28 U.S.C. §2679 of the Federal Tort Claims Act, entitled: Exclusiveness of Remedy, holds that no civil action for the recovery of Tort Damages can be filed against an Officer or Employee, who, while acting in his or her official capacity within the scope of said Officer or Employee's Office or Employment, for a violation of the Constitution of the United States, or a violation of a statute of the United States under which such action against an individual is otherwise authorized.

1 The Federal Government of the United States, being
2 established by the Constitution, has no authority to
3 authorize the violation of any provision of the Constitution
4 or statute of the United States. It is therefore not legally
5 possible for any Officer or Employee of the Federal Government
6 of the United States, in his or her Official Capacity,
7 while acting within the scope of said Officer's or Employee's
8 Office or Employment, to violate the provisions of the
9 Constitution or the statutes of the United States; or to
10 violate the protected rights of any individual in any of
11 the several states of the Union, or within the Territorial
12 Jurisdiction of the Federal Government of the United States.

13
14 Therefore, a Tort Action under the Civil Rights Act
15 of 1871, as evidenced at 42 U.S.C. §1983, §1985, and §1986,
16 can only be brought against a person in his or her individual
17 and private capacity for the recovery of damages, and for
18 other remedy and relief, for conspiracy under color of
19 [Federal] Law, to violate any right protected by the
20 Constitution and the Laws of the United States, of the
21 party so injured. Such action arises under the Constitution,
22 Laws, and Treaties of the United States.

23 The Act of Congress evidenced at 28 U.S.C. §1658(a),
24 Time Limitations on the Commencement of Civil Actions Arising
25 Under Acts of Congress, established that: "Except as otherwise
26 provided by law, a civil action arising under an Act of
27 Congress enacted after the date of the enactment of this
28

1 section [enacted December 1, 1990], may not be commenced
2 later than 4 years after the cause of action accrues."

3
4 A civil action arising under the Civil Rights Act
5 of 1871, enacted prior to December 1, 1990, is not subject
6 to the limitations to commencement of such an action in
7 a United States District Court.

8 A United States District Court would have jurisdiction
9 of such a civil action under the Acts of Congress evidenced
10 at 28 U.S.C. §1331, Federal Question; and/or 28 U.S.C.
11 §1332, Diversity of Citizenship; and 28 U.S.C. §1343,
12 Civil Rights and Elective Franchise.

13
14 Therefore, there is no Federal Statute of Limitations
15 with regard to a Civil Tort Action filed in a United States
16 District Court under the Civil Rights Act of 1871, against
17 persons sued in their individual and private capacity(ies).

18 DECLARATORY JUDGMENT DEMANDED [QUESTION 15]:

19
20 It is therefore Declared that there is no Federal
21 Statute of Limitations with regard to a Civil Tort Action
22 filed in a court of the United States, under the Civil
23 Rights Act of 1871, evidenced at 42 U.S.C. §1983, 42 U.S.C.
24 §1985, and 42 U.S.C. §1986, against persons sued in his/her/
25 their individual and private capacity(ies).

26 //

27 //

1 QUESTION 16:
2

3 Is there any requirement of law to exhaust Federal
4 Agency Administrative Procedures prior to commencing a
5 Civil Tort Action under the Civil Rights Act of 1871 for
6 the recovery of damages and other relief against persons
7 sued in his/her/their individual and private capacity(ies)?

8 BASIS FOR DECLARATORY JUDGMENT DEMANDED FOR QUESTION 16:;
9

10 The several states of the Union in Congress, by and
11 through the Federal Tort Claims Act evidenced at 28 U.S.C.
12 §2675, Disposition By Federal Agency As Prerequisite;
13 Evidence; provided that prior to a Civil Tort Action being
14 filed under the Federal Tort Claims Act against an Officer
15 or Employee of the Federal Government being sued in his
16 or her Official Capacity, §2675 provides:

17 "(a) An action shall not be instituted upon a claim
18 against the United States for money damages for injury
19 or loss or property or personal injury or death caused
20 by the negligent or wrongful act or omission of any employee
21 of the Government while acting within the scope of his
22 office or employment, unless the claimant shall have first
23 presented the claim to the appropriate Federal agency and
24 his claim shall have finally been denied by the agency
25 in writing and sent by certified or registered mail. The
26 failure of an agency to make final disposition of a claim
27 within six months after it is filed, at the option of the
28

1 claimant any time thereafter, be deemed a final denial
2 of the claim for purposes of this section ..."

3
4 The provisions of the Federal Tort Claims Act evidenced
5 at 28 U.S.C. §2671, et. seq., Definitions, specifically
6 28 U.S.C. §2675, Disposition By Federal Agency As Prerequisite,
7 Evidence, only require the exhaustion of agency Administrative
8 Remedies prior to filing a Civil Tort Claim if the United
9 States is to be sued; and/or any Officer, Agent or Employee
10 of the Federal Government being sued in his or her Official
11 Capacity for the recovery of Tort Money Damages.

12 The Act of Congress evidenced at 42 U.S.C. §1997e,
13 Suits By Prisoners, provides in Section (a) that: "No
14 action shall be brought with respect to prison conditions
15 under Section 1979 of the Revised Statutes of the United
16 States (42 U.S.C. §1983), or any other Federal law, by
17 a prisoner confined in any jail, prison, or other correctional
18 facility until such administrative remedies as are available
19 are exhausted."

20
21 An action brought with respect to prison conditions
22 would be an action for equitable relief only against Officers,
23 Agents, and Employees of the Federal Government sued in
24 his or her or their Official Capacity, in order to correct
25 prison conditions complained of. While the provisions
26 of the Act evidenced at 42 U.S.C. §1983 provides that an
27 action may be filed for exclusive equitable relief, the

1 only Government Officer who could be used in his Official
2 Capacity under the provisions of the Act evidenced at 42
3 U.S.C. §1983 is a Judicial Officer, for an act or an omission
4 taken in such Officer's Judicial Capacity for injunctive
5 relief only. The Act provides: "... except that in any
6 action brought against a judicial officer for an act or
7 omission taken in such officer's judicial capacity, injunctive
8 relief shall not be granted unless a declaratory decree
9 was violated or declaratory relief was unavailable ..."

10
11 Officers, Agents, and Employees of either the Federal
12 Government or government of any of the several states of
13 the Union in their Official Capacity, are persons with
14 regard to the Act evidenced at 42 U.S.C. §1983; as such
15 Officers, Agents, or Employees, while acting within the
16 scope of their Office or Employment, do not have the
17 capacity to violate any right, privilege, or immunity of
18 any injured party protected by the Constitution and the
19 Laws of the United States under color of law, as there
20 can be no law authorizing any Officer, Agent, or Employee
21 of either the Federal Government or state government to
22 violate the Supreme Law of the Land.

23 There is no law requiring the exhaustion of any
24 government agency's Administrative Remedy Procedures,
25 when a person, as a person, as a private party, is sued
26 in his or her individual and private capacity under the
27 Act evidenced at 42 U.S.C. §1983, for the recovery of money
28

1 damages and other equitable relief by the injured party
2 for damage(s) suffered for violation(s) of any right(s)
3 protected by the Constitution and the Laws of the United
4 States under color [pretense] of Federal Law; since private
5 parties are persons within the meaning of the Act evidenced
6 at 42 U.S.C. §1983, and such private person(s) does/do
7 not come under the jurisdiction of any government agency.

8
9 DECLARATORY JUDGMENT DEMANDED [QUESTION 16]:

10 It is therefore Declared that there is no legal
11 requirement to exhaust Federal Agency Administrative
12 Remedy Procedures prior to the commencement of a Civil
13 Tort Action under the Civil Rights Act of 1871, evidenced
14 at 42 U.S.C. §1983, §1985, and §1986, for the recovery
15 of money damages and other relief, against persons sued
16 in his/her/their individual and private capacity(ies).

17
18 QUESTION 17:

19 Is any person sued under the Civil Rights Act of 1871,
20 evidenced at 42 U.S.C. §1983, §1985, and §1986, in his
21 or her individual and private capacity for the recovery
22 of money damages and other equitable relief, entitled to
23 Official or Sovereign Immunity to civil suit as a defense
24 in a Federal Court of the United States?

25 //

26 //

BASIS FOR DECLARATORY JUDGMENT DEMANDED FOR QUESTION 17:

The Constitution of the United States vests specific and limited powers to the Federal Government of the United States; and to the Executive, Judicial, and Legislative Departments of the Federal Government of the United States, and to the Officers, Agents, and Employees, which all remain dormant unless and until the several states of the Union in Congress carry into execution the powers vested by the Constitution in the Federal Government of the United States, pursuant to Article I, Section 8, Clause 18.

The powers vested by the Constitution in the Federal Government of the United States, its Executive Department, Judicial Department, and Legislative Department, and/or Officers, Agents, and Employees of the Federal Government, do not include the power to violate any element of the Supreme Law of the Land, identified with specificity at Article VI, Clause 2 of the Constitution; which includes the Constitution, all Laws made in pursuance to the Constitution, and the Treaties made under the authority of the United States; and as such it is not legally possible for the Federal Government, its Departments, or its Officers, Agents and Employees, while acting in their Official Capacity within the scope of said Office or Employment with the Federal Government of the United States, to violate any right protected by the Constitution of the United States. It is because of this specific limit of Constitutional

1 power that creates the concept of so-called "sovereign
2 or official immunity," which in reality are the limits
3 imposed on the Federal Government, as well as its Departments,
4 Agencies, Officers and Employees.

5
6 The provisions of the Civil Rights Act of 1871 evidenced
7 at 42 U.S.C. §1983, §1985, and §1986, clearly omit any
8 action for the recovery of money damages against the Federal
9 Government, its Departments, Agencies, or Officers acting
10 in their Official Capacity within the scope of their Office
11 or Employment, by limiting action for the recovery of money
12 damages against persons sued in his/her/their individual
13 and private capacity(ies) for the private act of violation
14 of any right of the injured party protected by the
15 Constitution of the United States, as the Government, its
16 Departments, Agencies, and Officers acting in their
17 respective Official Capacity(ies), could not be persons
18 within the context of the Civil Rights Act of 1871, as
19 evidenced at 42 U.S.C. §1983; as there is no legal capacity
20 for the Government or its Officers to violate anyone's
21 rights protected by the Constitution and the Laws of the
22 United States.

23 Therefore, no person sued in his or her individual
24 and private capacity for the recovery of money damages
25 and other equitable relief, is entitled to any form of
26 Official or Sovereign Immunity as a defense in a Federal
27 Court of the United States under the Civil Rights Act of
28

1 1871, evidenced at 42 U.S.C. §1983, §1985, and §1986.
2

3 DECLARATORY JUDGMENT DEMANDED [QUESTION 17]:

4 It is therefore Declared that any person sued under
5 the Civil Rights Act of 1871, evidenced at 42 U.S.C. §1983,
6 §1985, and §1986, in his or her individual and private
7 capacity for the recovery of money damages and other equitable
8 relief, is not entitled to qualified Official or Sovereign
9 Immunity to civil suit(s) as a defense in a Federal Court
10 of the United States.
11

12 QUESTION 18:

13 Can a Judge of a court created by an Act of Congress,
14 who holds office as a Judge of the United States during good
15 behavior, continue to hold office as a Judge of the United
16 States if a Civil or Criminal Judgment has been rendered
17 against such Judge, in his or her individual or private
18 capacity?
19

20 BASIS FOR DECLARATORY JUDGMENT DEMANDED FOR QUESTION 18:

21 Article III, Section 1 of the Constitution establishes
22 that "The Judges, both of the supreme and inferior Courts,
23 shall hold their Offices during good Behavior..."
24

25 The several states of the Union in Congress, pursuant
26 to Article I, Section 8, Clause 18, carried into execution
27 the power vested in Congress by Article III, Section 1,
28

1 to ordain and establish inferior courts to the Supreme
2 Court, establishing by and through express legislation,
3 that the Judges of such inferior courts established under
4 the authority of Article III, Section 1, would hold Office
5 as a Judge during good behavior, as evidenced at:

6
7 28 U.S.C. §44(b): "Circuit judges shall hold office
8 during good behavior";

9
10 28 U.S.C. §134(a): "The district judges shall hold
11 office during good behavior"; and:

12 28 U.S.C. §252: "Judges of the Court of International
13 Trade shall hold office during good behavior..."

14 Federal Judges who hold office during good behavior,
15 like all Officers of the Federal Government, pursuant to
16 Article VI, Clause 3, are required to be bound by oath
17 or affirmation, to support the Constitution as the Supreme
18 Law of the Land. The several states of the Union in Congress
19 as evidenced at 5 U.S.C. §1331, Oath of Office; and 28
20 U.S.C. §453, Oaths of Justices and Judges, prescribed the
21 specific requirement for the oath required of Federal Judges,
22 both as Officers and Judges of the Federal Government of
23 the United States.

24
25 Since all Federal Judges who hold office during good
26 behavior are acting under oath or affirmation to not only
27 be bound to the Supreme Law of the Land, but to affirm

1 allegiance to the Supreme Law of the Land; and thus by
2 extension to the People, the sovereign body politic; said
3 Federal Judges are presumed to know the Law.
4

5 For Federal Judges to be holding their office during
6 good behavior means that the Federal Judges act only according
7 to the Constitution of the United States; act only when
8 the Judge has evidence of jurisdiction on the record of
9 the Court regarding any case before the Federal Judge;
10 and act to prevent the violation of Due Process of Law
11 regarding litigants; as well as to avoid any act that would
12 violate any right protected by the Constitution and Laws
13 of the United States of any party appearing before the
14 Federal Judge.

15 Federal Judges who do in fact hold their office during
16 good behavior while acting within the scope of the Office
17 and Employment as indicated above, are not subject to any
18 civil or criminal action in their Official Capacity as a
19 Federal Judge, since the Federal Judge is in compliance
20 with the limits imposed by the Constitution of the United
21 States.
22

23 However, when a question arises as to whether a Federal
24 Judge is, or is not acting in good behavior due to violations
25 of the Constitution; to acting without jurisdiction; to
26 violating the Due Process Rights of litigants appearing
27 before the Federal Judge, or is engaged in conduct which
28

1 violates any right protected by the Constitution and Laws
2 of the United States of a party before the Judge, the party
3 so affected by such conduct by a Federal Judge has redress,
4 including but not limited to the following:

5
6 1. The injured party could file an action under
7 the provisions of the Civil Rights Act of 1871, evidenced
8 at 42 U.S.C. §1983, 28 U.S.C. §1331, 28 U.S.C. §1343 and
9 28 U.S.C. §1651 against the Federal Judge in question in
10 his or her Official Capacity seeking first: a Declaratory
11 Judgment pursuant to the act evidenced at 28 U.S.C. §2201,
12 in order to declare the rights and other legal relations;
13 and to secure a Judgment that settles the questions of
14 uncertainty, which would include, but is not limited to:

15 (a) Whether or not Officers, Agents, and Employees
16 of the Federal Government, including Executive and Judicial
17 Officers, have lawful authority to enter any of the several
18 states of the Union, under force or arms, outside Federal
19 Enclaves, to subject the inhabitants to the application
20 and enforcement of Federal Law, Rules, Regulations, Ordinances,
21 or Federal Court Judgments; and:

22
23 (b) Whether or not a Federal Judge has the lawful
24 Constitutional and Statutory Authority to accept jurisdiction
25 of a Federal Criminal Case when no evidence exists in the
26 record of the Court that all locations relevant to such
27 a Federal Criminal Case are all located in Federal Enclaves.

1 A Declaratory Judgment establishing that such conduct
2 violates the Constitution, is without jurisdiction/authority,
3 and a violation of Due Process of Law, resulting in depriving
4 a party of liberty, property, or even life, under color
5 of law, would entitle a party who took action against a
6 Federal Judge in his or her Official Capacity under the
7 provisions of the Acts evidenced at 42 U.S.C. §1983, 28
8 U.S.C. §1331, 28 U.S.C. §1332, and 28 U.S.C. §1343, to
9 seek injunctive relief in order to prevent ongoing, continuous
10 injury and damage under the color or pretense of Federal
11 Law being applied and enforced within a state of the Union.
12

13 2. Since the provisions of the Civil Rights Act of 1871
14 evidenced at 42 U.S.C. §1983 and §1985 establish that a
15 suit filed by an injured party against a Federal Judge
16 in the Federal Judge's individual and private capacity
17 for the recovery of money damages and/or equitable remedy
18 and relief; including but not limited to remedy in the
19 nature of a Declaratory Judgment, is not subject to the
20 statute of limitations; is not subject to the exhaustion
21 of Agency Administrative Remedies prior to commencing such
22 a suit; and that Official and/or Sovereign Immunity to
23 civil liability is not a defense when a person, albeit
24 a Judge, is sued in his or her individual and private
25 capacity under the provisions of the Acts evidenced at
26 42 U.S.C. §1983, and §1985; as well as 28 U.S.C. §1331,
27 §1332 and §1343.
28

1 The injured party is free at any time to file a civil
2 action for the recovery of money damages and equitable
3 remedy(ies), including but not limited to Declaratory
4 Judgment, Injunctive Remedy, and Mandamus Remedy, against any
5 person, while acting under color of Federal Law, even as
6 a Federal Judge, violates any right(s) of the injured party
7 protected by the Constitution of the United States in a
8 court of the United States of competent jurisdiction.

9
10 3. In keeping with the Act of Congress evidenced
11 at 18 U.S.C. §4, Misprision of Felony, the party so injured
12 by any person, who, while acting under the color or pretense
13 of Federal Law, even as a Federal Judge, who willfully
14 violated any right of the injured party that is protected
15 by the Constitution and the Laws of the United States that
16 is identified by the Act of Congress evidenced at 18 U.S.C.
17 §242, as the Act of Criminal Misconduct of Deprivation
18 of Rights Under Color of Law, said injured person has both
19 the right protected by the First Amendment, i.e.: presenting
20 a Petition for Redress; and a duty established under 18
21 U.S.C. §4, to present a Report of Criminal Misconduct as
22 the injured party, who:

23 " ... having knowledge of the actual commission of
24 a felony cognizable by a court of the United States, conceals
25 and does not as soon as possible make known the same to
26 some judge or other person in civil or military authority
27 under the United States, shall be fined under this title
28

1 or imprisoned not more than three years, or both."

2
3 Although the injured party cannot personally prosecute a
4 Criminal Complaint, the injured party can forward such
5 a Report of Criminal Misconduct to the United States Attorney
6 General, a Federal Judicial Officer, a member of the United
7 States Military, and so forth. It would then be up to
8 the prosecuting authority to begin a Formal Criminal Action
9 against any person, who, while acting under color of Federal
10 Law, even as a Federal Judge, who willfully violates any
11 right of the injured party.

12 4. Any party so injured by a person, who while acting
13 under color of Federal Law, even as a Federal Judge, who
14 willfully violated any right of the injured party that
15 is protected by the Constitution and Laws of the United
16 States, can present a Complaint to the Chief Judge of the
17 Circuit under 28 U.S.C. §351, Complaints; Judge Defined;
18 since a Federal Judge willfully acting in violation of
19 the Constitution; acting without jurisdiction; and/or violating
20 Due Process of Law; would be engaged in conduct prejudicial
21 to the effective and expeditious administration of the
22 business of the Court, monumentally far from "good behavior."

23
24 The Act of Congress evidenced at 28 U.S.C. §351, et.
25 seq. provides in pertinent part:

26 (a) Filing of Complaint by any Person: Any person
27 alleging that a judge has engaged in conduct prejudicial
28

1 to the effective and expeditious administration of the
2 business of the courts, or alleging that such judge is
3 unable to discharge all the duties of office by reason
4 of mental or physical disability, may file with the clerk
5 of the court of appeals for the circuit a written complaint
6 containing a brief statement of the facts constituting
7 such conduct.

8 (b) ...
9

10 (c) Transmittal of Complaint: Upon receipt of a
11 complaint filed under subsection (a), the clerk shall promptly
12 transmit the complaint to the chief judge of the circuit,
13 or, if the conduct complained of is that of the chief judge,
14 to that circuit judge in regular active service next senior
15 in date of commission. ... The clerk shall simultaneously
16 transmit a copy of the complaint to the judge whose conduct
17 is the subject of the complaint. The clerk shall also
18 transmit a copy of any complaint identified under subsection
19 (b) to the judge whose conduct is the subject of the complaint.
20

21 (d) Definitions: In this chapter [28 U.S.C. §§351
22 et. seq.] --

23 (1) the term "judge" means a circuit judge,
24 district judge, bankruptcy judge, or magistrate judge; and:

25 (2) the term "complainant" means the person filing
26 a complaint under subsection (a) of this section.
27

1 Once such a Complaint is filed, pursuant to the Act
2 evidenced at 28 U.S.C. §352, Review of Complaint by Chief
3 Judge, the Complaint is reviewed by the Chief Judge of
4 the Circuit Court.

5
6 Under the provisions of the Act of Congress evidenced
7 at 28 U.S.C. §352, the Chief Judge of the Circuit Court,
8 pursuant to 28 U.S.C. §352(a), is to review a Complainant's
9 Written Complaint, and may either (b) Dismiss the Complaint
10 by Written Order, stating his or her reasons pursuant to
11 28 U.S.C. §352(b)(1); or, pursuant to 28 U.S.C. §352(b)(2),
12 "conclude the proceeding if the chief judge finds that
13 appropriate corrective action has been taken[,] or that
14 action on the complaint is no longer necessary because
15 of intervening events."

16 "The chief judge shall transmit copies of the written
17 order [of dismissal] to the complainant and to the judge
18 whose conduct is the subject of the complaint."

19
20 The provisions of 28 U.S.C. §352(c) provide that:
21 "A complainant or judge aggrieved by a final order of the
22 chief judge under this section may petition the judicial
23 council of the circuit for review thereof. The denial
24 of a petition for review of the chief judge's order shall
25 be final and conclusive and shall not be judicially reviewable
26 on appeal or otherwise."

27 The provisions of 28 U.S.C. §352(d) provide that:
28

1 "Each judicial council may, pursuant to rules prescribed
2 under section 358 [28 U.S.C. §358], refer a petition for
3 review filed under subsection (c) to a panel of no fewer
4 than 5 members of the council, at least 2 of whom shall
5 be district judges.

6
7 Under the provisions of the Act evidenced at 28 U.S.C.
8 §354(a)(2), if a Complainant's Complaint is not dismissed,
9 a Judge could be subject to 28 U.S.C. §354(a)(2)(A): "In
10 general. Action by the judicial council under paragraph
11 (1)(C) may include --

12 (i) ordering that, on a temporary basis for a time
13 certain, no further cases be assigned to the judge whose
14 conduct is the subject of a complaint;

15 (ii) censuring or reprimanding such judge by means
16 of private communication; and:

17 (iii) censuring or reprimanding such judge by means
18 of public announcement."
19

20
21 Furthermore, when a Complaint is filed against an
22 Article III Judge, 28 U.S.C. §354(a)(2)(B) states:

23 "For Article III judges. If the conduct of a judge
24 appointed to hold office during good behavior is the subject
25 of the complaint, action by the judicial council under
26 paragraph (1)(C) may include --

1 (i) certifying disability of the judge pursuant
2 to the procedures and standards provided under section
3 372(b) [28 U.S.C. §372(b)]; and:

4
5 (ii) requesting that the judge voluntarily retire,
6 with the provision that the length of service requirements
7 under section 371 of this title [28 U.S.C. §371] shall
8 not apply."

9 The provisions of 28 U.S.C. §354(a)(3) provide that
10 the judicial council has no lawful authority to remove
11 an Article III Judge, to wit:

12
13 28 U.S.C. §354(a)(3)(A): "Article III judges. Under
14 no circumstances may the judicial council order removal
15 from office of any judge appointed to hold office during
16 good behavior."

17 The provisions of 28 U.S.C. §354(b) provides for the
18 referral of a Complaint to the Judicial Conference. 28
19 U.S.C. §354(b)(1) provides:

20
21 (1) "In general. In addition to the authority granted
22 under subsection (a), the judicial council may, in its
23 discretion, refer any complaint under section 351 [28 U.S.C.
24 §351], together with the record of any associated proceedings
25 and its recommendations for appropriate action, to the
26 Judicial Conference of the United States."

27 (2) Special Circumstances, provides:
28

1 "In any case in which the judicial council determines, on
2 the basis of a complaint and an investigation under this
3 chapter, or on the basis of information otherwise available
4 to the judicial council, that a judge appointed to hold
5 office during good behavior may have engaged in conduct --

6
7 (A) which might constitute one or more grounds for
8 impeachment under Article II of the Constitution, or:

9 (B) which, in the interest of justice, is not amenable
10 to resolution by the judicial council, the judicial council
11 shall promptly certify such determination, together with
12 any complaint and a record of any associated proceedings,
13 to the Judicial Conference of the United States."

14 28 U.S.C. §354(b)(3) provides:

15
16 "Notice to complainant and judge. A judicial council
17 acting under authority of this subsection shall, unless
18 contrary to the interests of justice, immediately submit
19 written notice to the complainant and to the judge whose
20 conduct is the subject of the action taken under this
21 subsection."

22 The provisions of the Act evidenced at 28 U.S.C. §355,
23 Action by Judicial Conference, provides:

24
25 "(a) In general. Upon referral or certification
26 of any matter under section 354(b) [28 U.S.C. §354(b)],
27 the Judicial Conference, after consideration of the prior
28

1 proceedings and such additional investigation as it considers
2 appropriate, shall by majority vote take such action, as
3 described in section 354(a)(1)(C) and (2) [28 U.S.C. §354(a)(1)
4 (C) and (2)], as it considers appropriate."

5
6 28 U.S.C. §355(b), If Impeachment Warranted, provides:

7 "(1) In general. If the Judicial Conference concurs in
8 the determination of the judicial council, or makes its
9 own determination, that consideration of impeachment may
10 be warranted, it shall so certify and transmit the
11 determination and the record of proceedings to the House
12 of Representatives for whatever action the House of
13 Representatives considers to be necessary. Upon receipt
14 of the determination and record of proceedings in the House
15 of Representatives, the Clerk of the House of Representatives
16 shall make available to the public the determination and
17 any reasons for the determination.

18
19 (2) In case of felony conviction. If a judge has
20 been convicted of a felony under State or Federal law and
21 has exhausted all means of obtaining direct review of the
22 conviction, or the time for seeking further direct review
23 of the conviction has passed and no such review has been
24 sought, the Judicial Conference may, by majority vote and
25 without referral or certification under section 354(b)
26 [28 U.S.C. §354(b)], transmit to the House of Representatives
27 a determination that consideration of impeachment may be
28

1 warranted, together with appropriate court records, for
2 whatever action the House of Representatives considers
3 to be necessary."

4
5 The Act of Congress evidenced at 28 U.S.C. §358, Rules,
6 mandates that: "Each judicial council and the Judicial
7 Conference may prescribe such rules of the conduct of
8 proceedings under this chapter [28 U.S.C. §§351, et. seq.],
9 including the processing of petitions for review, as each
10 considers to be appropriate."

11 Additionally, the Act of Congress evidenced at 28
12 U.S.C. §363, mandates that "The United States Court of
13 Federal Claims, the Court of International Trade, and the
14 Court of Appeals for the Federal Circuit shall each prescribe
15 rules, consistent with the provisions of this chapter [28
16 U.S.C. §§351, et. seq.], establishing procedures for the
17 filing of complaints with respect to the conduct of any
18 judge of such court and for the investigation and resolution
19 of such complaints. In investigating and taking action
20 with respect to any such complaint, each such court shall
21 have the power granted to a judicial council under this
22 chapter [28 U.S.C. §§351, et. seq.].

23
24 The Act of Congress evidenced at 28 U.S.C. §362,
25 Other Provisions and Rules Not Affected, provides:

26 "Except as expressly provided in this chapter [28
27 U.S.C. §§351, et. seq.], nothing in this chapter [28 U.S.C.
28

1 §§351, et. seq.,] shall be construed to affect any other
2 provision of this title, the Federal Rules of Civil Procedure,
3 the Federal Rules of Criminal Procedure, the Federal Rules
4 of Appellate Procedure, or the Federal Rules of Evidence."

5
6 Pursuant to the Rules For Judicial-Conduct and Judicial-
7 Disability Proceedings, Rule 24, Public Availability of
8 Decisions, provides that all prior complaints filed against a
9 Federal Judge are available to the public, and most
10 specifically, the Complainant, to wit:

11 "(a) General Rule; Specific Cases: When final action
12 has been taken on a complaint and is no longer subject
13 to review, all orders entered by the chief judge and judicial
14 council, including memoranda incorporated by reference
15 in those orders and any dissenting opinions by separate
16 statements by members of the judicial council, but excluding
17 any orders under Rule 5 or 11(f), must be made public ..."
18 with the exceptions as noted at Rule 24(a)(1)(2)(3)(4) and
19 (5).

20
21 "(b) Manner of Making Public: The orders described
22 in (a) must be made public by placing them in a publicly
23 accessible file in the office of the circuit clerk and
24 by placing the orders on the court's public website. If
25 the orders appear to have precedential value, the chief
26 judge may cause them to be published. In addition, the
27 Committee on Judicial Conduct and Disability will make

1 available on the Judiciary's website, www.uscourts.gov,
2 selected illustrative orders described in paragraph (a),
3 appropriately redacted, to provide additional information
4 to the public on how complaints are addressed under the
5 Act."

6
7 In summary:

8 Any Federal Judge who engages in civil and/or criminal
9 misconduct of acting in violation of Due Process of Law
10 which results in the violation of any right protected by
11 the Constitution and Laws of the United States:

12 (a) is liable to the party so damaged, under the
13 Civil Rights Act of 1871, evidenced at 42 U.S.C. §1983,
14 §1985, and §1986, in said Federal Judge's individual and
15 private capacity, for money damages and other equitable
16 remedy and relief; and that said Judge sued in his or her
17 individual and private capacity is not entitled to any
18 form of qualified immunity;
19

20 (b) is liable to the Government of the United States,
21 acting on behalf of the damaged party, under the Criminal
22 Laws of the Federal Government, including but not limited
23 to the Acts evidenced at 18 U.S.C. §4, 18 U.S.C. §241,
24 and 18 U.S.C. §242, in said Federal Judge's individual
25 and private capacity;

26 (c) is liable under the provisions of the Judicial
27

1 Conduct and Disability Act, evidenced at 28 U.S.C. §351,
2 et. seq., upon the filing of a Complaint of a damaged party/
3 Complainant, which include, but is not limited to:

4
5 (i) An Order, for a limited time certain, that
6 no further cases be assigned to the [Federal] Judge whose
7 conduct is the subject of a Complaint;

8 (ii) Censuring or reprimanding such [Federal]
9 Judge by means of private communication;

10 (iii) Censuring or reprimanding such [Federal]
11 Judge by means of public announcement;

12 (iv) Certifying disability of the Judge pursuant
13 to the procedures and standards under 28 U.S.C. §372(b);

14 (v) Requesting that the Judge voluntarily retire,
15 with the provision that the length of service requirements
16 under 28 U.S.C. §371 shall not apply; and:

17 (vi) Referral to the House of Representatives
18 for impeachment.

19
20
21
22 DECLARATORY JUDGMENT DEMANDED [QUESTION 18]:

23 It is therefore Declared that a Judge of a Court created
24 by an Act of Congress, who holds office as a Judge of the
25 United States during good behavior, against whom a Complaint
26 has been filed with a Court of the United States for recovery
27 of damages under the Civil Rights Act of 1871, evidenced
28

1 at 42 U.S.C. §1983, §1985, and §1986, or against whom a
2 Report of Criminal Misconduct has been filed; resulting
3 in a Criminal Action in a Court of the United States; or
4 against whom a Complaint is filed under the provisions
5 of the Judicial Conduct and Disability Act, evidenced at
6 28 U.S.C. §351, et. seq., for acting in violation of the
7 Constitution and the Laws of the United States, acting
8 without jurisdiction, or acting in violation of Due Process of
9 Law, is subject to civil liability for damages; is subject
10 to criminal liability; and is subject to censure, reprimand,
11 retirement, or impeachment; and removal from office.

12
13 QUESTION 19:

14 Are Officers, Agents, and Employees of the Federal
15 Government of the United States, who, after agreeing by
16 oath or affirmation to uphold the Supreme Law of the Land,
17 to secure an office of trust, honor and/or profit with
18 the Federal Government of the United States, who violated
19 the terms, conditions, and limitations of the Constitution
20 of the United States; and who have conspired under color
21 of law to advocate, abet, advise, or teach the duty,
22 desirability or propriety of entering the several states
23 of the Union under force or arms outside Federal Enclaves
24 and/or actually enter the several states of the Union
25 under force of arms outside any Federal Enclave to violate
26 the rights of the inhabitants of the several states of
27 the Union protected by the Constitution and Laws of the
28

1 United States, thereby advocating the overthrow of the
2 several states of the Union, engaged in Sedition against
3 the states?
4

5 BASIS OF DECLARATORY JUDGMENT DEMANDED IN QUESTION 19:

6 The several states of the Union in Congress, pursuant
7 to Article III, Section 3, Clause 1, Treason, and Article III,
8 Section 3, Clause 2, Punishment For Treason; and Article I,
9 Section 8, Clause 18, All Necessary and Proper Laws, pursuant
10 to the Act of Congress evidenced at 18 U.S.C. §2385, Advocating
11 Overthrow of Government, provides that: "Whoever knowingly
12 or willfully abets, advises, or teaches the duty, necessity,
13 desirability, or propriety of overthrowing or destroying
14 the government of the United States or the government of
15 any state, territory, district, or possession thereof,
16 or the government of any political subdivision therein,
17 by force or violence, or by the assassination of any officer
18 of any such government ..." is an Act of Criminal Misconduct.
19

20 The Tenth Amendment, as well as Article I, Section 8,
21 Clause 18, limits the powers of the Federal Government
22 to only those powers specifically delegated to the Federal
23 Government which have by implementation of the several
24 states of the Union in Congress, through specific legislation.
25 All other Federal Powers delegated by the Constitution
26 remain dormant unless implemented by the several states
27 of the Union in Congress.
28

1 The act of Federal Officers, Agents, and Employees
2 who enter the several states of the Union outside Federal
3 Enclaves under color of Federal Authority and under force
4 of arms, are engaged in usurpation of state sovereignty
5 and authority, in direct violation of the Tenth Amendment;
6 Article I, Section 8, Clause 18; and Article I, Section
7 8, Clause 17 of the United States Constitution; as well
8 as 40 U.S.C. §3112; which limits Federal Territorial,
9 Legislative, and Judicial Jurisdiction in the several states
10 of the Union to Federal Enclaves. Such conduct would be
11 subject to state jurisdiction for Sedition against the
12 several states of the Union, under the laws of the several
13 states of the Union.

14
15 DECLARATORY JUDGMENT DEMANDED [QUESTION 19]:

16 It is therefore Declared that any Officer, Agent,
17 or Employee of the Federal Government of the United States,
18 who after agreeing by oath or affirmation to uphold the
19 Supreme Law of the Land in order to secure an office of
20 trust, honor, or profit with the Federal Government, who
21 violates the terms, conditions, and limitations of the
22 Constitution, and conspired under color of law to advocate,
23 abet, advise, or teach the duty, desirability, or propriety
24 of entering the several states of the Union under force
25 of arms outside Federal Enclaves, and/or actually enters
26 the several states of the Union under force of arms outside
27 any Federal Enclave for the purpose of violating the rights
28

1 of the inhabitants of the several states of the Union
2 protected by the Constitution and the Laws of the United
3 States, is engaged in the criminal misconduct of advocating
4 the overthrow of the sovereign states of the Union in violation
5 of the Tenth Amendment; in violation of Article I, Section
6 8, Clause 18; in violation of Article I, Section 8, Clause
7 17; in violation of 40 U.S.C. §3112; and in violation of
8 18 U.S.C. §2385; and is therefore subject to the jurisdiction
9 of the state where such criminal misconduct occurred, for
10 the Act of Sedition against said/such state.

11 II. RESERVATION OF RIGHTS

12
13 The Petitioner at all times relevant to this Petition
14 and Demand for Declaratory Judgment, Reserves the Right(s)
15 protected by the Constitution and the Laws of the United
16 States, to petition for redress of grievances, and for
17 Further Necessary or Proper Relief based on the Declaratory
18 Judgment or Decree; pursuant to the Act of Congress evidenced
19 at 28 U.S.C. §2202, including but not limited to: (1) a
20 Motion for Additional Relief; (2) an Action for Writ of
21 Mandamus and/or injunctive relief, and/or other relief
22 for the recovery of money damages and other equitable relief
23 including Declaratory Relief as provided for, by, and within
24 the Federal Civil Rights Act of 1871, evidenced at 42 U.S.C.
25 §1983, §1985, and §1986; as well as 28 U.S.C. §1331, §1332,
26 §1343; §2201 and §2202, against persons in his/her/their
27 individual and private capacity; who, while acting under
28

1 color of Federal Office, including but not limited to the
2 Office of Federal Judge, the United States Attorney General,
3 the United States Attorney, and the Director of the Federal
4 Bureau of Prisons, having engaged in Conspiracy under Color
5 of Federal Law to subject the Petitioner to the Deprivation
6 of Rights protected by the Constitution and the Law of
7 the United States.

8
9 The Petitioner is well aware, as evidenced by the
10 Petition and Demand for Declaratory Judgment, that there
11 are no defenses regarding the Statute of Limitations;
12 regarding the Exhaustion of Administrative Remedy Requirements;
13 nor regarding any Official Immunity for civil actions brought
14 under the Civil Rights Act of 1871, evidenced at 42 U.S.C.
15 §1983, §1985, and §1986 for the recovery of money damages
16 and other equitable, injunctive, and declaratory relief
17 when the party defendants are sued in his/her/their individual
18 and private capacity(ies).

19 III. CONCLUSION

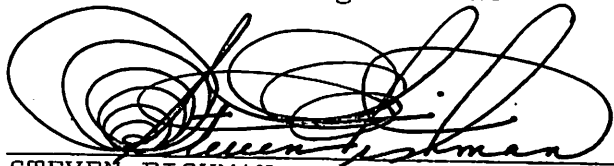
20
21 As these Nineteen (19) Questions of Law are material and
22 specific to the instant case of actual controversy with
23 the jurisdiction of this Court for the filing of appropriate
24 pleadings, it is the right of the Petitioner under the Act
25 of Congress evidenced at 28 U.S.C. §2201 to Demand a
26 Declaratory Judgment as to the foregoing Nineteen (19)
27 Questions of Law specific to the rights of the Petitioner.

1 seeking such Declaration in his Demand to have the Nineteen
2 (19) Questions of Law Declared.

3
4 It is therefore mandated by the aforementioned Act
5 of Congress, and incumbent upon this Honorable Court to
6 either Affirm or Deny each and all of these Judgments,
7 pursuant to 28 U.S.C. §2201; and that the Constitutional
8 and Statutory basis for ANY such Denial be provided in
9 writing; and that this be done as a prerequisite and as
10 a condition precedent prior to this case moving forward;
11 as the foregoing Rules of Law/Judgments are critical to
12 the underpinnings of the instant case.

13 The Declaratory Judgments Demanded Herein will be
14 deemed Affirmed by Tacit Acceptance, should the court neglect
15 or refuse to respond to this Declaratory Judgment Petition
16 and Demand within sixty (60) days of the filing of this
17 Petition.

18
19 Dated: September 21, 2017



STEVEN FISHMAN
Petitioner
Federal Register Number 17280-004
FCI Terminal Island
Post Office Box #3007
San Pedro, California 90733-3007

DECLARATION OF DELIVERY/SERVICE

I, STEVEN FISHMAN, hereinafter the Declarant, hereby affirm and declare based on my personal knowledge, understanding and belief, as my free act and deed that:

1. I am of the age of majority, of sound mind, and competent to testify.
2. I, the Declarant, delivered an original, signed copy of PETITION AND DEMAND OF PETITIONER STEVEN FISHMAN FOR DECLARATORY JUDGMENT WITH REGARD TO QUESTIONS OF LAW, PURSUANT TO 28 U.S.C. §2201, SEEKING REMEDY AND RELIEF REGARDING JURISDICTIONAL DEFECTS IN CASE NUMBER CR-88-0616-DLJ, to an Officer of the Federal Bureau of Prisons, Federal Correctional Institution at Terminal Island, addressed to:

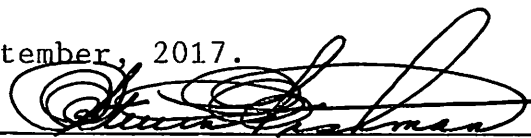
Clerk of the Court
United States District Court
Northern District of California
450 Golden Gate Avenue, 16th Floor
San Francisco, California 94102

United States Attorney's Office
450 Golden Gate Avenue
Post Office Box #36055
San Francisco, California 94102

to be placed in the outgoing Legal Mail.

3. I, the Declarant, can find no evidence that since I am in custody, that the documents referred to in Statement 2 are not in fact filed and/or served when delivered to an Officer of the Federal Bureau of Prisons, to be placed in the outgoing Legal Mail, pursuant to Houston v. Lack, 487 U.S. 266, 270-271, 108 S.Ct. 2379, 101 L.Ed.2d 245 (1988); Federal Rule of Civil Procedure 5(b); and Federal Rule of Appellate Procedure 25. Service and/or filing of the documents referred to in Statement 2 is perfected on this 21st day of September, 2017.
4. I, the Declarant, have nothing further to state at this time. I hereby affirm and declare under the penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing facts are true and correct to the best of my knowledge, understanding and belief.

Executed on this 21st day of September, 2017.


STEVEN FISHMAN, Declarant
Fed. Reg. No. 17280-004
FCI Terminal Island, Box #3007
San Pedro, California 90733-3007